WEDNESDAY, FEBRUARY 28, 1912.

The House was opened with prayer by the Rev. Father J. A. Flynn, of the Roman Catholic Church, of the city of Frankfort.

The reading of the Journal of the proceedings of yesterday was dispensed with.

Mr. Gaines presented the petition of sundry citizens of Butler County protesting against the passage of any law restricting or placing a higher license on those who sell medicines from wagons.

Which was received, its reading dispensed with and referred to the Committee on Public Health.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 165. An act for the protection of game and fish.

2. S. B. 258. An act to amend an act entitled an act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

3. S. B. 340. An act to provide for the consolidation of trust companies organized under the laws of the State of Kentucky.

Said bills were ordered to be printed and referred,

1. To Committee on Fish and Game.

2. To Committee on Municipalities.

3. To Committee on Judiciary.

That they had on February 23rd concurred in an amendment proposed by the House of Representatives to a bill which originated in the Senate, entitled,

S. B. 26. An act to establish a Department of Banking providing for the appointment of Commissioner, Deputy Commissioner and Examiners thereof and prescribing their duties and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

Mr. Forgy called up for consideration from the Clerk's desk a resolution which originated in the Senate entitled,

S. Res. 18. Resolution to provide assistance to George A. Lewis, Superintendent of Public Printing.

Said resolution reads as follows, viz.:

Resolved by the General Assembly of Kentucky:

That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of George A. Lewis, Superintendent of Public Printing, for the sum of seventy-five dollars, said sum to be used in the payment of an assistant during the session of this General Assembly.

Mr. Forgy offered the following amendment to said resolution:

Amend by inserting the words "the Commonwealth of" after the word "of" and before the word "Kentucky" in the enacting clause.

Said amendment was agreed to.

Said resolution as amended was concurred in.

The yeas and nays being taken on concurring in said resolution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	J. H. Elder	B. J. Matthews
Robert H. Akin	Eli Farmer	Emanuel Meyer
Eugene G. Asher	John M. Farra	Harry J. Meyers
George Baker	S. Walton Forgy	R. C. McClure
J. M. Bean	John F. Fryer	Charles D. McCrea
Eli Berry	Allie T. Gaines	Ben E. Niles
A. V. Bertram	T. J. Gregory	L. B. Owen
Thos. M. Bertram	Joe Hall	Luther C. Owings
E. Bishop	Elwood Hamilton	A. W. Palmer
H. C. Blades	A. B. Hatton	W. F. Parker
John F. Brewer	John W. Holland	William A. Perry
G. E. Carroll	James R. Howell	W. V. Perry
George P. Chinn	R. Dillard Hunter	Marion F. Pogue
Henry Chunn	Earl C. Huntsman	John A. Polin
Hiram Brown	W. J. Jackson	W. A. Price
Wallace Brown	Green R. Keller	Stanley F. Reed
Sidney G. Clay	John G. Kelley	W. H. Shanks
W. Frank Cole	M. C. Kirk	Walter S. Sinclair
Sidney J. Collins	Charles H. Knight	W. Scott Smith
Elkanah Dickey	William J. Kuh	A. H. Stamper
Francis B. Douglas	James A. Leach	John G. Stoll
G. L. Drury	J. Albert Leach	Henry Thomas
Ben F. Egleston	Hugh Mahin	C. B. Thompson

E. B. Thompson Yeaman Watkins B. S. Wilson
Louis B. Tieman E. B. Wiley Charles Yancy
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Resolved that the title thereof be as aforesaid.

Mr. Forgy called up for consideration from the Clerk's desk a resolution which originated in the Senate entitled,

S. Res. 21. Resolution providing for the appointment of a committee to investigate the feasibility of extending the street railway in Frankfort to the Capitol ground on the Shelby street side.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the President of the Senate shall appoint a committee consisting of himself as chairman, and two senators to be named by him from the list of senators whose terms will include the next session of the Legislature to be held in January, 1914, and that the present Speaker of the House of Representatives shall appoint a committee consisting of himself as chairman and two members of the House of Representatives to be named by him from the list of present members of the House of Representatives, and that said two committees shall constitute a joint committee, of which the President of the Senate shall be ex-officio chairman, and said joint committee shall confer and co-operate with the Governor of the State for the following purpose, namely: said committee shall investigate the feasibility and desirability of having the present or some other street car company of Frankfort extend the present electric line or some other electric line along Shelby street in Frankfort to some point

near the western entrance to the basement of the Capitol building where Shelby street turns westward, so that during the sessions of the General Assembly, at least, the members of the General Assembly and the people may have the convenient and prompt conveyance on the street cars from the hotels and railway stations in Frankfort to the western entrance of the Capitol building without any impairment of the beauty of the grounds surrounding the Capitol building.

Be it further resolved, That the members of the committee so appointed shall be allowed for their expenses while meeting to perform this duty not exceeding $25 each; said sum to be paid out of the ordinary expenses of the Senate and House of Representatives.

Be it further resolved, That if said committee can secure the street car accommodations desired for the convenience of the members of the General Assembly and the public during the sessions of the General Assembly, and from the inconveniences now endured in reaching the Capitol Building, by an expenditure not exceeding $1,000, and if the Governor of the State approve the same, the committee shall be authorized to contract for or make such expenditure with the approval of the Governor, and the Auditor of the State shall draw his warrant upon the Treasurer of the State for the sum so expended or contracted for out of any moneys not otherwise appropriated but if said project cannot be carried out for the said sum of $1,000 or less, then said committee shall report a feasible and reasonable plan to the next session of the General Assembly in January, 1914, for its consideration and adoption.

Said resolution was concurred in.

The yeas and nays being taken on concurring in said resolution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	R. C. McClure
Robert H. Akin	T. J. Gregory	Charles D. McCrea
Eugene G. Asher	Joe Hall	Ben E. Niles
George Baker	Elwood Hamilton	L. B. Owen
J. M. Bean	V. D. Hammond	Luther C. Owings
Eli Berry	A. B. Hatton	W. F. Parker
A. V. Bertram	A. B. Holland	William A. Perry
E. Bishop	John W. Holland	W. A. Price
H. C. Blades	James R. Howell	S. H. Rogers
John F. Brewer	R. Dillard Hunter	W. H. Shanks
George P. Chinn	Earl C. Huntsman	Walter S. Sinclair
Sidney G. Clay	W. E. King	A. H. Stamper
W. Frank Cole	M. C. Kirk	John G. Stoll
Elkanah Dickey	Charles H. Knight	C. B. Thompson
Francis B. Douglas	William J. Kuh	E. B. Thompson
G. L. Drury	James A. Leach	Louis B. Tieman
Ben F. Egleston	J. Albert Leach	Yeaman Watkins
J. H. Elder	F. A. Lochry	E. B. Wiley
John M. Farra	Hugh Mahin	J. H. Williams
John F. Fryer	B. J. Matthews	B. S. Wilson
S. Walton Forgy	Emanuel Meyer	—64
Allie T. Gaines	Harry J. Meyers	

Those who voted in the negative were—

G. E. Carroll	Sidney J. Collins	John A. Polin
	W. Scott Smith	—4

A communication was received from the Governor in writing as follows, viz.:

Feburary 28, 1912.

To the Senate and House of Representatives of Kentucky:

I congratulate you on the passage by the Senate and House of Representatives of the County Unit Extension Bill, the Direct Primary Election Bill, the Department of Banking Bill and the Prison Reform Bill. Four of the most important pledges made in the late Democratic Platform have been complied with, and there is every reason to believe that the other pledges referrd to in the Democratic Platform will be enacted into law before the adjournment of the present session of the Legislature.

A bill providing for a submission to the people of an amendment to the Constitution whereby property may be classified for taxation has passed both houses with an amendment, and a bill providing for a vote on a constitutional amendment which will permit convicts to work on public roads has passed the Senate and been reported favorably by the committee to which it was referred in the House; also two bills are now pending, one in the Senate and the other in the House, providing a more efficient school system, each of which has passed the house in which it originated and been reported favorably in the other house. All of these bills will soon be passed.

I preferred that the prison reform bill should be bi-partisan, but I recognize that, under our Constitution, we have three co-ordinate departments, the Executive, the Judicial, and the Legislative, each independent of the other; and when the Legislative Department, without being so requested by me, passed the prison reform bill without the bi-partisan feature, which was not required by the Democratic Platform, but which contained three important points that I advocated as indispensible, to-wit, relieving the Legislature from electing the prison commissioner, giving to the Governor the authority to appoint, and terminating the present prison system,

which both political parties had condemned, I believed it my duty to approve the prison reform bill, as it had passed both houses with large majorities. I was encouraged to do this, because only eleven days remain of the present session, and if I fail to approve the prison reform bill which authorizes the Governor to appoint three prison commissioners, it is probable that there will be no change in the prison system which had been condemned by both political parties.

In my lengthy public life I do not recall that any Legislature of Kentucky has enacted laws of greater importance than have been enacted by the present Legislature; and I believe your constituents will approve and applaud the action you have taken.

I recommend that you, as speedily as possible, enact into law the remaining pledges of the Democratic Platform.

Having performed your duties so faithfully in the legislation to which I have referred, I now call your attention to the financial condition of the State, which shows that Senators and Representatives should pass no appropriation bills except those which are absolutely necessary.

The Auditor of Public Accounts has furnished me the following statement:

"February 23, 1912.

"Hon. James B. McCreary,

"Governor of State of Kentucky.

"Dear Sir:

"Complying with your request of today for statement of the financial condition of the State, I beg to submit the following:

"Outstanding warrants	$814,529.14
"Cash in Treasury	$486,112.91
"Net deficit Feb. 23, 1912	$328,416.23
"Estimated deficit June 30, 1912	$1,050,000.00

"Any appropriations paid under Acts of present session of the General Assembly will increase the above deficit to extent of such payments.

"Respectfully submitted,
"(Signed) H. M. BOSWORTH,
"Auditor."

The Auditor also furnished me with a statement showing:

Unpaid appropriations made by last Legislature	$123,837.71
Annual appropriations which become due June 1 and July 1, of this year	$65,000.00
Special appropriations showing balances remaining unpaid on appropriatins heretofore made	$47,944.74
Total unpaid appropriations	$236,782.45

The appropriations made at this session of the Legislature amount to nearly three hundred thousand dollars, and bills are now pending, some of which have been reported favorably, which, in the aggregate, amount to nearly one million dollars. I appeal, therefore, to Senators and Representatives to avoid making any appropriations except those which cannot be dispensed with. We must not increase taxation beyond the present rate, and and we must not issue bonds; therefore, we should make but few appropriations,

and wait for the State revenue to increase, as I believe it will, so as to first pay and cancel existing indebtedness, and then, when the Legislature meets again, we will make such appropriations as are necessary.

JAMES B. MCCREARY,
Governor.

Said communication was read and ordered to be referred to the Committee on Appropriations.

Mr. Wilson offered the following concurrent resolution, viz.:

H. Res. 19. Resolution providing for the payment of expenses of the joint committee on redistricting created and appointed by the General Assembly at the session of 1910.

Said resolution reads as follows, viz.:

Resolution providing for the payment of the expenses of the joint committee on Redistricting created and appointed by the General Assembly at the session of 1910.

Whereas, the General Assembly at the session of 1910 provided for and created a joint committee for the purpose of considering the questions of redistricting the State into the various political districts and

Whereas, at the organization of said committee James E. Stone was chosen as its secretary and Miss Amy V. Lyons as its stenographer and assistant secretary, and have served and discharged the duties as such and

Whereas, said committee at its meeting on December 19, 1911, fixed the compensation of James E. Stone for serv-

ices rendered as secretary and necessary expenses incurred at one thousand dollars and of Miss Amy V. Lyons for services as stenographer and assistant secretary and necessary expenses at five hundred dollars; the Frankfort Printing Company for printing done, at forty eight dollars and the George G. Fetter Printing Company for printing at forty dollars, and W. F. Welch for extraordinary services rendered said committee at one hundred dollars; now therefore:

Be it resolved by the House of Representatives, the Senate concurring therein:

That the action of said joint committee in allowing said amounts for necessary expenses of the said committee is hereby ratified and the Auditor of Public Accounts is hereby authorized and directed to issue his warrants on the Treasurer for said sums, viz.:

To James E. Stone for one thousand dollars.

To Amy V. Lyons for five hundred dollars.

To W. F. Welch for one hundred dollars.

To the Frankfort Printing Company for forty-eight dollars.

To the Geo. G. Fetter Company for forty dollars.

To be paid out of any money in the Treasury not otherwise appropriated.

Whereas, these services have been rendered and these expenses incurred sometime since an emergency is hereby declared to exist and this resolution shall be in effect upon its adoption.

By unanimous consent the rules were suspended and said resolution was read and adopted.

The yeas and nays being taken on the adoption of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
R. C. McClure
Charles D. McCrea
W. N. McCubbin
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
W. A. Price
S. L. Robertson
W. H. Shanks
Walter S. Sinclair
Adam Spahn
John G. Stoll
Henry Thomas
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
B. S. Wilson
Charles Yancy
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Those who voted in the negative were—

Henry Chunn —1

Mr. Clay moved to reconsider the vote by which the House failed to pass a bill entitled,

H. B. 304. An act providing for the amendment of Section 201 of the Constitution of the Commonwealth of Kentucky.

(For said bill see House Journal, February 27.)

Mr. Clay moved that the rules be suspended and that said motion and bill be taken up for consideration.

Said last named motion was agreed to.

The said motion to reconsider the vote by which said bill failed to pass on yesterday was agreed to.

The question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Sidney J. Collins	James R. Howell
Robert H. Akin	Francis B. Douglas	R. Dillard Hunter
Eugene Asher	G. L. Drury	Earl C. Huntsman
George Baker	Ben F. Egleston	Green R. Keller
A. V. Bertram	J. H. Elder	M. C. Kirk
H. C. Blades	S. Walton Forgy	Charles H. Knight
John F. Brewer	John F. Fryer	William J. Kuh
Hiram Brown	Allie T. Gaines	James A. Leach
Wm. L. Bowling	V. D. Hammond	J. Albert Leach
G. E. Carroll	A. B. Hatton	F. A. Lochry
Sidney G. Clay	A. B. Holland	Hugh Mahin
W. Frank Cole	John W. Holland	Emanuel Meyer

Harry J. Meyers	W. A. Price	Henry Thomas
Charles D. McCrea	S. L. Robertson	C. B. Thompson
Luther C. Owings	S. H. Rogers	E. B. Thompson
A. W. Palmer	W. H. Shanks	D. B. Thurman
W. F. Parker	Walter S. Sinclair	Louis B. Tieman
William A. Perry	W. Scott Smith	Yeaman Watkins
W. V. Perry	Adam Spahn	E. B. Wiley
John A. Polin	John G. Stoll	Charles Yancy

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Those who voted in the negative were—

J. M. Bean	John M. Farra	Ben E. Niles
E. Bishop	D. Clarence Gray	L. B. Owen
Wallace Brown	T. J. Gregory	Marion F. Pogue
George P. Chinn	Elwood Hamilton	Stanley F. Reed
Henry Chunn	L. B. Herrington	Robt. H. Scott
Elkanah Dickey	W. J. Jackson	B. S. Wilson
Eli Farmer	R. C. McClure	

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Mr. Drury moved that all special orders set for consideration for this day be postponed and that they be taken up in the order in which they were set after the disposition of House Bill No. 224.

The House then proceeded to the consideration in the Committee of the Whole House pursuant to order heretofore made of a bill entitled,

H. B. 224. An act for the regulation of common carriers and prescribing the duties and powers and the Railroad Commission with reference thereto.

The Speaker vacated the Chair and the Committee of the Whole House was convened. Mr. Wallace Brown presided as chairman of said Committee.

After a time the Speaker resumed the Chair and Mr. Wallace Brown of said Committee reported that they had had under consideration said bill, had made some progress, but not having completed the same asked leave to sit again at three o'clock this afternoon.

Which was granted.

The hour of 1:30 o'clock p. m. having arrived, under the rule, the House recessed until three o'clock this afternoon.

AFTERNOON SESSION.

The House reconvened at three o'clock p. m.

The House was convened in the Committee of the Whole House as it was at the time of recess.

After a time the Speaker resumed the Chair.

Mr. Wallace Brown of said Committee reported that they had had under consideration a bill entitled,

H. B. 224. For title see Journal of morning session.

And had instructed him to report same back to the House with sundry amendments thereto, and that said committee asked leave of the House to sit again on tomorrow at 11 o'clock for further consideration of said bill.

Which was granted.

The House then took up for consideration the next Special Order for this day to-wit: a bill entitled,

H. B. 439. An act to amend an act entitled an act for the creation and regulation of private corporations being an act relating to insurance and the transaction of the business of life or casualty insurance or both life and casualty insurance upon the co-operative or assessment plan.

Said bill reads as follows, viz.:

Be *it enacted by the General Assembly of the Commonwealth of Kentucky*:

§ 1. That Section 662, subdivision 3, chapter 32, Kentucky Statutes, which is in words as follows, to-wit:

"Such corporations shall provide in their contracts with policy or certificate-holders for the accumulation of an emergency fund, which shall be at all times not less than the amount of the maximum certificate issued; said fund shall be accumulated within six months from the date of their incorporation, and, together with the income thereon, shall be a trust for the payment of death and disability claims: Provided, That whenever said emergency fund is in excess or double the amount of the maximum certificate issued by the corporation, it may apply such excess, or any portion thereof, in reduction of assessments upon policy or certificate-holders or in such other equitable division or apportionment thereof as its rules or contracts may provide. Said fund shall be invested in securities in which insurance companies are allowed by law to invest their capital, and of such securities an amount not less than the amount of the maximum certificate issued by the corporation, deposited in trust with the Treasurer of the Commonwealth; but the corporation shall have at all times, on approval of the Insurance Commissioner, the right to exchange any part of said securities for others of a like amount and character. Any portion of said

emergency fund may be drawn by a requisition, signed by two-thirds of the directors and indorsed by the Insurance Commissioner, setting forth that the same is to be used for the purpose of said trust. When any such corporation shall discontinue business, any Circuit Court Judge may appoint a receiver to administer any unexhausted portion of said fund, which shall be used, less such compensation, not to exceed five per centum thereof when the assets exceed five thousand dollars, as such court may allow the receiver: first, in the payment of accrued claims upon certificates or policies, or if insufficient to pay such claims in full, they shall be paid pro rata; second, if a balance remain in the payment of like claims thereafter accruing in the order of their occurrence."

Shall be, and said section is hereby, repealed; and, in lieu thereof, it is enacted that said section shall be in words and figures and read as follows, to-wit:

"Section 662. Such corporations shall provide in their contracts with policy or certificate-holders for the accumulation of an emergency fund, and for the purpose of creating said emergency fund, such corporation, from the money received, collected, or otherwise realized from the admission fees and dues paid by the policy or certificate-holders, shall first deduct and set apart therefrom two per centum thereof as an emergency fund, which fund shall be invested in securities in which insurance companies are allowed by law to invest their capital, and, together with the income thereon, shall be a trust fund for the payment of death and disability claims, and may be applied to that purpose whenever an actual emergency arises necessitating the use thereof, and to avoid levying assessments upon policy or certificate-holders to meet such emergency; but, whenever said emergency fund, or any part thereof, is so used, the amount used shall be re-

placed, as soon as possible, out of any future surplus fund the corporation may accumulate. When any such corporation shall discontinue business, any Circuit Court Judge may appoint a receiver to administer any unexhausted portion of said fund, which shall be used, less such compensation, not to exceed five per centum thereof when the assets exceed five thousand dollars, as such court may allow the receiver: first, in the payment of accrued claims upon certificates or policies, or if insufficient to pay such claims in full, they shall be paid pro rata; second, if a balance remain, in the payment of like claims thereafter accruing in the order of their occurrence."

§ 2. That subdivision 3, chapter 32, Kentucky Statutes, be, and the same is hereby, further amended by adding thereto, after Section 681, the following words, to-wit:

"Insurance companies or associations hereafter organized and incorporated under the laws of this State, to do the business of life or casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan, before beginning business, shall have a guarantee fund of one hundred thousand dollars, which may be raised by the issue and sale of Guarantee Fund Certificates in denomination not less than five dollars nor more than one thousand dollars each; and shall not be sold for less than the par value thereof, which shall be fully paid in when issued. The said one hundred thousand dollars, realized from the sale of said Guarantee Fund Certificates, shall be invested in securities in which insurance companies are allowed by law to invest their capital or funds, and said securities shall be deposited with the Treasurer of this Commonwealth, to be held in trust for the benefit and protection of the members or policy-holders of such corporation. The holders or owners of said Guarantee Fund Certificates shall be entitled to re-

ceive annual dividends not exceeding eight per centum thereon; provided, however, that no dividends are payable except out of the corporation's accumulated surplus fund, if any; and provided also that no surplus fund shall be deemed to exist for the purpose of paying said dividends unless the corporation's two per centum emergency fund is intact. Said Guarantee Fund Certificates shall be issued with a proviso thereto, specifying that the corporation reserves the right at any dividend-paying period to redeem the certificates issued, at their par value, said corporation, however, can only use its surplus funds, if any, for the purpose of redeeming said Guarantee Fund Certificates, and no part of the emergency fund can be used for that purpose. The Guarantee Fund Certificates shall have printed notice thereon giving the fixed date of the annual meeting of the members or policy-holders of the corporation, and each Guarantee Fund Certificate issued shall entitle the holder thereof to one vote on any business matter at any meeting of the members or policy-holders of the corporation: Provided, however, that the corporation shall only issue the Guarantee Fund Certificates in such denomination and number that the total votes represented by all Guarantee Fund Certificates shall not exceed one-third of the total votes of all members or policy-holders of the corporation.

§ 3. Insurance companies or associations heretofore organized and incorporated under the laws of this State, and now doing the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan, may at any meeting of its members or policy-holders provide for a Guarantee Fund of one hundred thousand dollars; subject, however, to all the provisions of this act relating to insurance companies or associations hereafter organized and incorporated under the laws of this State.

§ 4. Foreign insurance companies or associations admitted into this State to do the business of life or casualty insurance, or both life and casualty insurance upon the cooperative or assessment plan, shall not be authorized or permitted to transact such business in this State until such corporation, company or association either deposits, or has on deposit, with the Treasurer or other depositary designated by the laws of their home State, securities in which insurance companies are allowed by law to invest their capital, to the amount of one hundred thousand dollars; and such corporation, company or associatin shall prduce and file with the Insurance Commissioner of this State a written statement of the Insurance Commissioner, or other like officer, of its home State, certifying that such corporation, company or association is legally entitled to do business in its home State, and that it had on deposit with the Treasurer, or other depositary designated by the law of its home State, on hundred thousand dollars in securities in which insurance companies are allowed by law to invest their capital, and that said securities are held in trust for the benefit and protection of all the members or policy-holders of such corporation or such corporation, company or association may make such deposit with the Treasurer of this Commonwealth.

§ 5. Foreign or domestic insurance corporations making the deposit of one hundred thousand dollars, as in this act provided, shall not be required to make or maintain any other or additional deposit.

§ 6. All laws and parts of laws now in force which conflict with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	Luther C. Owings
Robert H. Akin	T. J. Gregory	A. W. Palmer
Eugene G. Asher	Joe Hall	W. F. Parker
P. L. Atherton	V. D. Hammond	J. R. Paxton
J. M. Bean	A. B. Hatton	W. V. Perry
Eli Berry	A. B. Holland	John A. Polin
Thos. M. Bertram	John W. Holland	W. A. Price
E. Bishop	James K. Howell	Stanley F. Reed
John F. Brewer	Earl C. Huntsman	S. L. Robertson
Hiram Brown	W. J. Jackson	S. H. Rogers
Wallace Brown	Green R. Keller	Robt. H. Scott
Wm. L. Bowling	John G. Kelley	W. H. Shanks
C. W. Burton	W. E. King	Walter S. Sinclair
G. E. Carroll	M. C. Kirk	W. Scott Smith
George P. Chinn	Charles H. Knight	Adam Spahn
Henry Chunn	William J. Kuh	A. H. Stamper
Sidney G. Clay	James A. Leach	John G. Stoll
W. Frank Cole	F. A. Lochry	C. B. Thompson
Elkanah Dickey	Hugh Mahin	E. B. Thompson
Francis B. Douglas	B. J. Matthews	D. B. Thurman
G. L. Drury	Emanuel Meyer	Louis B. Tieman
Ben F. Egleston	Harry J. Meyers	Yeaman Watkins
J. H. Elder	R. C. McClure	David W. Wiley
John M. Farra	Charles D. McCrea	J. H. Williams
John F. Fryer	Ben E. Niles	Charles Yancy
Allie T. Gaines	L. B. Owen	Edward L. Young
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Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House then took up for consideration the next Special Order for today, to-wit: a bill entitled,

H. B. 268. An act to provide for the assessment and the collection of a specific tax upon the class of credits founded upon and evidenced by mortgages and liens upon real property and to repeal all acts and parts of acts in contravention thereto.

Mr. Huntsman moved that said bill be recommitted to the Committee on Revenue and Taxation.

Said motion was agreed to.

Mr. Tieman moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 278. An act to repeal Section 2569a of the Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2569a, of the Kentucky Statutes, being Article 2 of Chapter 81, which became a law on the 21st day of March, 1906, be and the same law is now hereby repealed.

Mr. Niles moved that said bill be recommitted to the Committee on County Unit and Public Morals with instructions to report said bill to the House on the 11th day of March, 1912, at 12 o'clock m.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Niles and Wilson were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John M. Farra	James A. Leach
Robert H. Akin	S. Walton Forgy	R. C. McClure
Thos. M. Bertram	D. Clarence Gray	Ben E. Niles
E. Bishop	T. J. Gregory	L. B. Owen
H. C. Blades	Joe Hall	A. W. Palmer
George P. Chinn	Elwood Hamilton	W. V. Perry
Henry Chunn	V. D. Hammond	John A. Polin
Sidney J. Collins	L. B. Herrington	W. H. Shanks
Elkanah Dickey	A. B. Holland	D. B. Thurman
G. L. Drury	W. J. Jackson	David W. Wiley
Ben F. Egleston	John G. Kelley	B. S. Wilson
J. H. Elder	M. C. Kirk	Charles Yancy

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Those who voted in the negative were—

Eugene G. Asher	G. E. Carroll	Green R. Keller
P. L. Atherton	Sidney G. Clay	W. E. King
George Baker	W. Frank Cole	Charles H. Knight
J. M. Bean	Francis B. Douglas	William J. Kuh
Eli Berry	Eli Farmer	J. Albert Leach
A. V. Bertram	John F. Fryer	F. A. Lochry
John F. Brewer	Allie T. Gaines	Hugh Mahin
Hiram Brown	A. B. Hatton	B. J. Matthews
Wallace Brown	John W. Holland	Emanuel Meyer
Wm. L. Bowling	R. Dillard Hunter	Harry J. Meyers
C. W. Burton	Earl C. Huntsman	Charles D. McCrea

C. B. Nichols	S. L. Robertson	Henry Thomas
Luther C. Owings	Robt. H. Scott	C. B. Thompson
W. F. Parker	Walter S. Sinclair	E. B. Thompson
J. R. Paxton	W. Scott Smith	Louis B. Tieman
William A. Perry	Adam Spahn	Yeaman Watkins
W. A. Price	A. H. Stamper	E. B. Wiley
Stanley F. Reed	John G. Stoll	J. H. Williams

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Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton	A. B. Hatton	J. R. Paxton
George Baker	John W. Holland	William A. Perry
Eli Berry	R. Dillard Hunter	W. A. Price
John F. Brewer	Earl C. Huntsman	Stanley F. Reed
Hiram Brown	Charles H. Knight	S. L. Robertson
Wm. L. Bowling	William J. Kuh	W. Scott Smith
C. W. Burton	J. Albert Leach	Adam Spahn
G. E. Carroll	F. A. Lochry	John G. Stoll
Sidney G. Clay	Hugh Mahin	Henry Thomas
W. Frank Cole	Emanuel Meyer	C. B. Thompson
Eli Farmer	Harry J. Meyers	E. B. Thompson
John F. Fryer	Charles D. McCrea	Louis B. Tieman
Allie T. Gaines	Luther C. Owings	E. B. Wiley

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Those who voted in the negative were—

William Ahl	S. Walton Forgy	Ben E. Niles
Robert H. Akin	D. Clarence Gray	L. B. Owen
J. M. Bean	T. J. Gregory	A. W. Palmer
A. V. Bertram	Joe Hall	W. V. Perry
Thos. M. Bertram	Elwood Hamilton	Marion F. Pogue
E. Bishop	V. D. Hammond	John A. Polin
H. C. Blades	L. B. Herrington	Robert H. Scott
Wallace Brown	A. B. Holland	W. H. Shanks
George P. Chinn	W. J. Jackson	Walter S. Sinclair
Henry Chunn	Green R. Keller	D. B. Thurman
Sidney J. Collins	John G. Kelley	Yeaman Watkins
Elkanah Dickey	W. E. King	J. H. Williams
G. L. Drury	James A. Leach	B. S. Wilson
Ben F. Egleston	B. J. Matthews	Charles Yancy
J. H. Elder	R. C. McClure	Edward L. Young
John M. Farra	C. B. Nichols	—47

And so said bill was rejected.

Mr. Hamilton moved that the vote by which the House refused to pass said bill be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 43. An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

S. B. 18. An act to amend Chapter 21 of the Acts of 1906 entitled an act to amend Section 2560 of the Kentucky

Statutes, it being a portion of Article 1, Chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating."

S. B. 1. An act to provide for the nominations of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for violations thereof.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

A message was received from the Senate announcing that they had passed a bill entitled,

S. B. 222. An act to provide for the investigations of fire in this Commonwealth and to provide for the appoint-

ment of a Fire Marshal of the State of Kentucky and for Assistants to the Fire Marshal, fixing the powers and duties, also to provide for the payment of Fire Marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth, including the pay of assistants of the Fire Marshal.

Said bill was ordered to be printed and referred to the Committee on Insurance—Fire and Marine.

Mr. Forgy of the Committee on Redistricting—Judicial, reported a bill entitled,

S. B. 288.. An act to create the Tenth Judicial District so as to include Metcalfe County in said district.

Said bill was read the first time at length and ordered to be placed on the Calendar.

Mr. W. V. Perry moved that a bill entitled,

H. B. 449. An act for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a convention to amend the Constitution and for ascertaining the number of citizens entitled to vote for Representatives within this State.

Be taken up for consideration from the Calendar and that said bill be recommitted to the Committee on Constitutional Amendments with leave to report at any time.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 29, 1912.

The House was opened with prayer by the Rev. Father J. A. Flynn, of the Roman Catholic Church, of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the counties and representative districts bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Knight:

H. B. 541. An act to amend the school laws of cities of the first class.

To Committee on Municipalities.

By Mr. Wilson:

H. B. 542. An act for the benefit of State University, Lexington, Kentucky.

To Committee on State University and Normal Schools.

By Mr. Young:

H. B. 543. An act concerning conveyances, deeds and mortgages and to provide for the use of personal names

therein, and to provide for construction and reformation thereof by the courts.

To Committee on Judiciary.

By same:

H. B. 544. An act making mercantile statements, confidential or private communications, except in civil or criminal proceedings based upon falsity thereof.

To Committee on Judiciary.

By same:

H. B. 545. An act to define the offense of swearing falsely to an affidavit and to provide punishment for same.

To Committee on Judiciary.

By Mr. Egleston:

H. B. 546. An act to amend Section 1726, Chapter 47, Article 2 of the Kentucky Statutes, relating to sheriffs' fees.

To Committee on County and City Courts.

By Mr. Farra:

H. B. 547. An act regulating contracts of surety between common carriers and their employees and sureties upon such contracts.

To Committee on Railroads.

By Mr. W. A. Perry:

H. B. 548. An act to enable cities of first class to construction an extension to their systems for the disposition of sewerage.

To Committee on Municipalities.

The House took up from the Calendar for consideration bills of the following titles, viz.:

S. B. 46. An act for the benefit of the Kentucky Institution for the education of the blind by making an appropriation therefor and providing for the periods of payment.

H. B. 526. An act in relation to public schools; teachers therein; examination for certificates, and the eligibility of a teacher to hold the office of superintendent of County Schools.

H. B. 447. An act to regulate the assignment, sale, pledge, mortgage and the transfer of wages to be earned or paid in the future where a whole or a part of the consideration therefor is a sum of money less than $200.

H. B. 305. An act to provide salary for a probation officer for counties having a population of 30,000 or containing a city of the third or fourth class.

S. B. 60. An act to amend an act entitled an act for the benefit of the Kentucky Home Society for colored children, approved March 19, 1910.

H. B. 147. An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein.

H. B. 540. An act to amend Section 3117, Kentucky Statutes.

H. B. 480. An act concurring upon all corporations, societies or associations, hospitals, schools or colleges, organized under the laws of this Commonwealth for the establishment and maintenance of schools for the education or training of persons in the profession, art or skill of nursing sick, invalid or afflicted persons or maintaining or conducting such schools, the power and authority to appoint and remove teachers for same, to prescribe a course of study for the students or pupils thereof, and to confer degrees of graduation therefrom, to award and issue certificates of graduation and diplomas to their students or pupils.

H. B. 387. An act to require physicians to report all cases of poisoning from lead, phosphorous, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, and to provide method for so doing and to provide a penalty for failure to do so.

H. B. 391. An act to prevent fraud by regulating the keeping of eggs in cold storage and the sale and use of eggs so kept.

H. B. 432. An act to amend Section 4224, Subdivision 4, Chapter 108, Kentucky Statutes, Carroll's Edition, 1909.

H. B. 406. An act to amend Section 4072 of Carroll's 1909 Edition of Kentucky Statutes, which relates to the subject of charges against assessors for failure to assess those subject to taxation.

H. B. 301. An act to amend Section 4281m of Carroll's 1909 Edition of the Kentucky Statutes, by inserting the

words "and personal" between the words "real" and "property."

H. B. 254. An act to establish and create a commission to investigate the system of revenue and taxation in force in this State and recommend for the revision and reform thereof, and to define the powers and duties of this commission and to make an appropriation to carry out its provisions.

H. B. 444. An act to fix the liquor license to be charged in the cities and towns of this Commonwealth.

H. B. 320. An act to amend Section 4224, Kentucky Statutes, Carroll's Edition, in regard to revenue and taxation.

H. B. 434. An act to amend Section 4128 of Article 7 of Kentucky Statutes, entitled revenue and taxation.

H. B. 392. An act for the benefit of the common schools taxing bachelors between the ages of thirty-five and sixty years.

H. B. 188. An act to repeal Article 7 of an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

H. B. 180. An act amending an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

H. B. 364. An act to regulate the assessment of property in certain counties in this Commonwealth.

H. B. 187. An act to repeal Article 18 of an act of the General Assembly of the Commonwealth of Kentucky, en-

titled "An act relating to revenue and taxation," approved March 15, 1906.

H. B. 466. An act providing license tax on foreign manufacturers or dealers in machine made glass containers for spirituous, vinous or malt liquors doing business in Kentucky, and providing penalties for violation of this act.

H. B. 519. An act relating to crimes and punishment making the erection and maintaining of bill boards, display boards, unsightly houses or sheds within four hundred feet of the State Capitol grounds nuisance and providing a penalty.

S. B. 322. An act to provide for the repair of the old State Capitol square and the buildings thereon and the use of same and appropriating money therefor.

S. B. 149. An act designating and setting aside certain rooms in the Capitol building for the use of Senate and House of Representatives, and providing for the care of same, and penalties for the injury or conversion of same.

H. B. 513. An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof.

H. B. 388. An act to regulate the operation of private employment agencies in this Commonwealth.

H. B. 477. An act to repeal Chapter 274, Acts 1883-4, incorporating the town of Yosemite in Casey County, approved March 3, 1884.

H. B. 449. An act for taking the sense of the good people of this Commonwealth as to the necessity and expediency

of calling a convention to amend the Constitution, and to provide for ascertaining the number of citizens entitled to vote for Representatives within this State.

The committees to which the same had been referred reported bills of the following titles:

By Mr. Carroll of the Committee of County and City Courts:

H. B. 302. An act designating the method of selecting a person to act in the absence or disqualification of a county judge.

By same:

H. B. 349. An act creating the office of county surveyor in counties having therein cities of the second class, prescribing his duties and fixing his compensation.

By same:

H. B. 309. An act providing for the keeping of record books of the Quarterly Court, providing for a clerk and deputy, fixing a compensation and making a special provision as to Jefferson County regarding the disposition of fees.

By Mr. Collins of the Committee on Charitable Institutions:

H. B. 517. An act to amend Section 1, Article 19. Chapter 22, Acts 1906, approved March 15, 1906, known also as Section 4281a, Kentucky Statutes.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 127. An act to increase the compensation of the members of the General Assembly of Kentucky.

By same:

H. B. 525. An act to amend and re-enact Section 3721, Kentucky Statutes, authorizing Notaries Public to act in any county in the State.

By Mr. Berry of the Committee on Municipalities:

H. B. 541. An act to amend the school laws of cities of the first class.

By same:

H. B. 548. An act to enable cities of first class to construct an extension to their system for the disposition of sewerage.

By Mr. Bishop of the Committee on Public Health:

H. B. 523. An act to prohibit the substitution of drugs and proprietary preparations and defining penalty therefor.

By Mr. Williams of the Committee on Railroads:

H. B. 330. An act to prevent accidents on railroads.

By same:

H. B. 393. An act to require railroad companies to stop all passenger trains at any station where may be located any public institution of the State.

By Mr. Wallace Brown of the Committee on Redistricting—Judicial:

H. B. 429. An act changing the Twenty-first, Twenty-third, Twenty-fifth and Thirty-third Judicial Districts of Kentucky and fixing the time for holding courts in same.

With an amendment thereto by way of substitute therefor.

By Mr. Wilson of the Committee on Suffrage and Election:

H. B. 27. An act for the benefit of traveling men, railroad men and all others whose occupation or duties cause them to be absent from their home on election day.

By Mr. Nichols of the Committee on State University and Normal Schools:

S. B. 225. An act for the benefit of the Kentucky School for the Deaf and the teachers and supervisors therein.

By same:

H. B. 514. An act to amend Section 4527, Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass, viz.:

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 43. An act to amend Sections 1702, 1703 and 1705 of the Kentucky Statutes, those sections being portions of Subdivision 2 of Article 15 of Chapter 46 of the Kentucky Statutes, entitled "Homesteads."

By same:

H. B. 448. An act making it a misdemeanor and fixing a penalty for selling, offiering for sale, or delivering, to any institution supported in whole or in part by the State of Kentucky or any county therein, any fresh meats taken from animals not killed within the State of Kentucky.

By Mr. Hammond of the Committee on Argiculture:

H. B. 303. An act relating to the payment of nursery stock.

By Mr. Williams of the Committee on Railroads:

H. B. 331. An act to regulate the use of two or more engines on railroad trains in the State of Kentucky.

The question being taken on ordering said bills to a reading the opinion of the committees to the contrary notwithstanding it was decided in the negative.

And so said bills were rejected.

The Committee on Charitable Institutions which had originated the same reported a bill entitled,

H. B. 549. An act appropriating $5,000 for the benefit of the Western Kentucky Orphans' Home.

Said bill was read the first time at length, ordered to be printed and placed on the Calendar.

A message was received from the Governor announcing that he had approved and signed a resolution which originated in the House of Representatives, entitled,

H. Res. 17. Resolution to appropriate money to pay expenses of joint committee which visited the State Prison at Eddyville.

A message was received from the Senate announcing that they had concurred in an amendment proposed by the House of Representatives to a bill which originated in the Senate entitled,

S. B. 19. An act granting pensions to disabled and indigent Confederate soldiers.

That they had passed bills of the following titles, viz.:

1. S. B. 77. An act to amend Section 753 of the Civil Code of Practice.

2. S. B. 190. An act to regulate the introduction of expert testimony in civil and criminal trials.

3. S. B. 246. An act to amend Sections 1 and 4 of Article 17 of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled "An act relating to revenue and taxation."

4. S. B. 214. An act to repeal an act entitled "An act to regulate proceedings in civil actions in Circuit Courts," which became a law March 29, 1902, and to re-enact Sections

43, 44, 60, 102, 103, 104, 105, 106, 107, 108, 363, 364, 365, 366 and 367 of the Civil Code of Practice.

5. S. B. 241. An act to appoint a Code Commission tc prepare amendments to the Civil Code of Practice in criminal cases and to report to the General Assembly at its meeting in January, 1914.

6. S. B. 251. An act to amend the two hundred and third section of the Criminal Code of Practice.

7. S. B. 252. An act to regulate the admission of attorneys to practice law.

8. S. B. 257. An act to amend the 335th Section of the Civil Code of Practice concerning bills of exceptions.

Said bills were ordered to be printed and referred,

1, 2, 4, 5, 6, 7, 8, to the Committee on Judiciary.

3. To the Committee on Revenue and Taxation.

That they had passed a bill which originated in the House entitled,

H. B. 49. An act appointing matrons for jails in cities of the first class.

With an amendment thereto.

(For bill see House Journal, January 30th.)

The amendment as proposed to said bill by the Senate is as follows, viz.:

Resolved, that House Bill 49 be passed with the following amendment:

Amend by inserting after Section 3, a section to be known as Section 3a, Jail Visiting Board. A Board of Women shall exist to be constituted as follows, viz.:

Home for Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Associated Charities, The Women's Club of Louisville, Kentucky Children's Home Society, District Women's Christian Temperance Union of Louisville, Ky., and Women's Christian Association. If all of said associations shall not appoint a representative on said committee then the mayor shall make the appointment herein provided for upon the recommendation of those of the said associations who do appoint a representative upon said committee.

Said board shall be known as the Jail Visiting Board and shall have power and authority by itself or by its several members to visit and inspect the portions of the county jail and section houses set apart for female prisoners once a month and it shall annually and as often as it may determine, sumbit reports to the jailer and the board created in section 3 hereof respecting conditions affecting female prisoners.

Said amendment was concurred in.

The question being taken on the passage of said bill as amended it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
Ben F. Egleston
Eli Farmer
John F. Fryer
D. Clarence Gray
T. J. Gregory
A. B. Hatton
A. B. Holland
John W. Holland
James R. Howell
W. J. Jackson
Green R. Keller
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
W. A. Price
S. H. Rogers
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
Charles Yancy
Edward L. Young
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Mr. Akin of the Committee on Insurance—Life and Accident, to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 196. An act to amend Section 692, Kentucky Statutes, being Section 115 of an act entitled an act providing for the creation and regulation of private corporations which became a law April 5, 1893.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 165 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, being identical with and fully embraced by Section 692, Subdivision 4, Chapter 32, Kentucky Statutes of 1903, respectively, and the same are hereby amended by adding at the end of said section, the following:

"The indebtedness for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employee or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or inury to an employee not caused by the negligence of the employer, shall be determined as follows: Each corporation which writes policies covering any of said kinds of insurance shall include in the annual statement required to be rendered to the Insurance Department, a schedule of its experience thereunder, in the United States and foreign countries in the case of corporations organized outside of the United States, giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of ten years immediately preceding the date as of which the statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on canceled policies, and less the unearned premiums on policies in force as shown in such annual state-

ment; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home-office expenses, and all other payments made on account of such injuries, whether such payments are allocated to specific claims or are unallocated; (3) the number of suits being defended at the date as of which the statement is made under policies written during said period, except suits in which liability is not dependent upon negligence of the insured, and a charge of seven hundred and fifty dollars for each suit; (4) the number of deaths for which the insured are liable without proof of negligence, covered by policies written during said period, and not paid for at the date as of which the statement is made and a charge of the amount necessary to pay for such deaths; (5) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written during said period, and a charge equal to the present value of the estimated future payments; (6) the loss ratio determined from the foregoing as to each year separately using as the divisor the earned premiums shown in item (1) and as the dividend the amount of payments shown in its item (2) plus the amouts charged in items (3), (4), and (5); (7) the number of suits being defended at the date as of which the statement is made under policies written more than ten years prior to such date, except suits in which liability is not dependent upon negligence of the insured; (8) the number of deaths for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to the date as of

which the statement is made, and not paid for at such date; (9) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to such date.

All unallocated payments in item (2) made in a given calendar year subsequent to the first four years in which a corporation has been issuing such policies shall be distributed as follows: thirty-five per centum shall be charged to policies written in that year, forty per centum to the policies written in the preceding year, ten per centum to the policies written in the second year preceeding, ten per centum to the policies written in the third year preceding, and five per centum to the policies written in the fourth year preceding, and such payments made in the first four calendar years in which a corporation has been issuing such policies shall be distributed as follows: in the first calender year one hundred per centum shall be charged to the policies written in that year, in the second calendar year fifty per centum shall be charged to the policies written in that year, and fifty per centum to the policies written in the preceding year, in the third calendar year forty per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, and twenty per centum to the policies written in the second year preceding, and in the fourth calendar year thirty-five per cetum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, fifteen per centum to the policies written in the second year preceding, and ten per centum to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement.

Each such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years prior to the date as of prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence, covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary to pay for such deaths; (13) for all unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence under which the statement is made, the present value of the estimated future payments; (14) for the policies written in the five years immediately preceding the date as of which the statement is made an amount determined as follows: multiply the earned premiums of each of such five years as shown in item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period using as the divisor the sum of the earned premiums shown in item (1) for such first five years, and as the dividend the sum of the payments shown in item (2) for such first five years plus the sum of the charges in items (3), (4), and (5), for such first five years, but the ratio to be used shall in no event be less than fifty per centum at and after December 31, 1911, nor less than fifty-one per centum at and after December 31, 1912, nor less than fifty-two per centum at and after December 31, 1913, nor less than fifty-three per centum at and after December 31, 1914, nor less than fifty-four per centum at and after December 31, 1915, nor less

than fifty-five per centum at and after December 31, 1916, and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year, provided, however, that if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date—(a) the number of suits, except suits in which liability is not dependent upon negligence of the insured, being defended under policies written in that year and a charge of seven hundred and fifty dollars for each suit, (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year, and (c) the present value of estimated unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written in that year—then the sum of said items (a), (b), and (c) shall be the indebtedness for that year.

A corporation which has been issuing such policies for a period of less than ten years shall, nevertheless include in its annual statement, a schedule as hereinbefore required for the years in which it shall have issued such policies, and shall be charged with an indebtedness determined in the same manner, but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratio hereinbefore prescribed shall be used subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	W. N. McCubbin
Robert H. Akin	T. J. Gregory	L. B. Owen
Eugene G. Asher	Joe Hall	Luther C. Owings
P. L. Atherton	Elwood Hamilton	A. W. Palmer
George Baker	V. D. Hammond	W. F. Parker
J. M. Bean	A. B. Hatton	J. R. Paxton
Eli Berry	L. B. Herrington	William A. Perry
E. Bishop	A. B. Holland	W. V. Perry
H. C. Blades	John W. Holland	John A. Polin
John F. Brewer	James R. Howell	W. A. Price
Hiram Brown	R. Dillard Hunter	S. H. Rogers
Wallace Brown	Earl C. Huntsman	Robt. H. Scott
Wm. L. Bowling	W. J. Jackson	W. Scott Smith
C. W. Burton	Green R. Keller	Adam Spahn
G. E. Carroll	John G. Kelley	A. H. Stamper
George P. Chinn	Charles H. Knight	John G. Stoll
Henry Chunn	William J. Kuh	Henry Thomas
Sidney G. Clay	James A. Leach	C. B. Thompson
W. Frank Cole	J. Albert Leach	E. B. Thompson
Sidney J. Collins	F. A. Lochry	D. B. Thurman
Elkanah Dickey	Hugh Mahin	Louis B. Tieman
G. L. Drury	B. J. Matthews	E. B. Wiley
Ben F. Egleston	Emanuel Meyer	David W. Wiley
J. H. Elder	Harry J. Meyers	B. S. Wilson
John M. Farra	S. F. Middleton	Charles Yancy
John F. Fryer	R. C. McClure	Edward L. Young
Allie T. Gaines	Charles D. McCrea	—80

Resolved that the title thereof be as aforesaid.

Mr. W. A. Perry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Atherton of the Committee on Municipalities to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 482. An act to amend an act entitled an act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of an act entitled, "An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis," approved March 17, 1906, be and the same is hereby amended by striking out the word "two" and inserting in lieu thereof the word "five," so that said section as amended shall read as follows:

"For the purpose of meeting the expenses necessary to carry out the purpose of this act, the Fiscal Court of the county and the Municipal Board of the city in which such board shall exist are authorized, empowered and directed each to levy a tax not to exceed five cents and not less than one-half cent on the one hundred dollars of taxables in their

respective cities and counties, and the sums derived from said taxation are to be paid over to the said board for the purposes herein set forth."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuhl
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
C. B. Nichols
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. H. Rogers
Robt. H. Scott
W. Scott Smith
Adam Spahn

A. H. Stamper	Louis B. Tieman	J. H. Williams
John G. Stoll	Yeaman Watkins	Charles Yancy
Henry Thomas	E. B. Wiley	Edward L. Young
C. B. Thompson	David W. Wiley	—83

Resolved that the title thereof be as aforesaid.

Mr. Douglas moved that the rules be suspended and that the House take up for consideration a bill entitled,

H. B. 224. An act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

§ 1. The Railroad Commission shall have the same power to regulate the existing joint rate of two or more carriers by railroad wholly within the State of Kentucky that it now has to regulate the rates of a single carrier and may also after due notice to the carriers, hear complaints and establish a through route and prescribe a just and reasonable maximum joint rate to be charged for the transportation of property over such route, provided no just and reasonable through route or joint rate exists, and also prescribe an equitable division of such joint rate whenever the carriers themselves shall refuse or neglect to voluntary establish such through route or such division of said joint rate. And any order of the Railroad Commission made under this section shall take effect and be in force after the expiration of ten days from the time the same shall be en-

tered of record on the Order Book of the Commission, and a copy thereof certified to by the secretary of the Commission mailed to the officer, agent, or attorney of the carriers affected thereby; and said order may be revoked or modified by an order likewise entered of record; and any carrier knowingly and wilfully failing to comply with any order of the Commission made and entered under the provisions of this section, as aforesaid, or which shall knowingly and wilfully charge, demand, collect or receive any joint rate in excess of that prescribed by the order of the Commission under this section of its proportion of said joint rate in excess of that prescribed by the order of the said Commission, or which shall knowingly and wilfully fail to establish such joint rate or through route when prescribed by an order of the Commission under this section, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties and be proceeded against as provided in section 2.

§ 2. Any railroad carrier or any of its agents or servants knowingly and wilfully violating any of the provisions of Section 1 of this act shall be guilty of a misdemeanor and upon conviction shall be fined for the first offense in lars, and for the second offense in any sum not exceeding five hundred ($500.00) dollars, and for the third offense in any sum not exceeding two thousand five hundred ($2,500.00) dollars, and any prosecution for a violation of said section shall be a bar only to those offenses growing out of similar acts or transactions, if any, which have occurred prior to the indictment or penal action upon which a trial and conviction is had. And it shall be the duty of the chairman of the Railroad Commission, when said Commission shall have knowledge or receive reliable information that said Section 1 has been or is being violated to present the facts to the grand jury of the Circuit Court having jurisdiction of the offense.

§ 3. Every carrier by railroad shall file with the Railroad Commission and print or publish in legible form and keep open to public inspection schedules showing all the rates and charges for transportation of property between different points on its own route in the State of Kentucky and between points on its own route and points on the route of any other carrier by railroad in the State of Kentucky when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print or publish in legible form, and keep open to public inspection as aforesaid the separately established rates and charges applied to the through transportation. Such schedule shall be plainly printed or published in a legible form and copies for the use of the public shall be kept in every depot or station of such carrier where freight is received for transportation. It shall only be necessary for said tariffs to show all rates applicable to all points from said station and said tariffs shall be kept so as to be accessible to the public for convenient inspection, and a notice to that effect shall be kept posted in two public and conspicuous places in the depot or station.

§ 4. No change shall be made in the rates and charges which have been filed and published by any carrier or carriers in compliance with this act, except after not less than thirty days notice to the Commission and to the public, published as aforesaid, which shall plainly indicate the changes to be made in the schedule then in force and the time when the changed rates or charges will go into effect, and the proposed changes shall be shown by printing or publishing in legible form new schedules or supplements thereto, Provided, That the Commission may in its discretion and for good cause shown by an order entered of record, allow changes upon less than the notice herein specified, or modify

the requirements of this act in respect to publishing, posting notices and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. And, provided further, that any changes ordered by the Railroad Commission under Section 820a, Carroll's Edition, 1909, Kentucky Statutes or Section 1 of this act, shall take effect as provided therein.

§ 5. Any railroad carrier or any of its agents or servants knowingly and wilfully failing or refusing to comply with any of the provisions of Section 3 or Section 4 shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than one hundred nor more than five hundred dollars; provided, however, that if the requirements of Sections 3 or 4 should be modified by the Commission as authorized by Section 4, the penalty prescribed shall not be imposed unless there has been a violation of those requirements as modified.

§ 6. No railroad carrier shall charge or demand or collect or receive a greater or less or different compensation for any transportation of property, wholly within the State of Kentucky, or for any services in connection therewith, than the rates and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates and charges so specified. Any railroad carrier or any of its agents or servants knowingly or wilfully failing to comply with, or knowingly and wilfully violating any of the provisions of this section, shall be guilty of a misdemeanor and upon conviction be subject to a fine of not less than one hundred dollars nor more than five hundred dollars.

§ 7. The Railroad Commission shall have power and it shall be its duty to prescribe a reasonable time within

which shippers or consignees shall return cars delivered to them by any railroad carrier for loading or unloading, and to prescribe forfeitures not exceeding $3.00 per day for such time as cars may be detained beyond the reasonable time so prescribed by the Railroad Commission. It shall be the duty of the Commission to make such exceptions on account of weather conditions and other conditions as may seem to them to be reasonable. And the Commission shall have power to prescribe any rules or regulations similar to those prescribed by the demurrage rules which have heretofore been promulgated by the Commission and are now in existence. The forfeitures so prescribed shall be for the benefit of the carrier or carriers owning or controlling the cars so detained, and shall be recoverable by such carrier or carriers or by an association of carriers for their benefit in any court of competent jurisdiction.

§ 8. The Railroad Commission shall have power and it shall be its duty to prescribe rules fixing a reasonable time within which carriers by railroad shall furnish cars for the transportation of property wholly within the State of Kentucky after written request therefor, but such rules shall provide for exceptions in cases of delay on account of sudden congestion of traffic; on account of actual inability to furnish cars by reason of their temporary and unavoidable detention in other States, or in other places within the same State; on account of interference of traffic occasioned by wrecks or other accidents upon the same or other roads, involving a detention of traffic; on account of the breaking of bridges, accidental fires or washouts, and in such other cases as the Railroad Commission may deem reasonable. Any carrier failing to furnish cars within the time prescribed by such rules shall forfeit twenty-five dollars for each car which he fails to furnish within the time prescribed, to be recovered by the applicant in any court of competent juris-

diction and shall also be liable for all actual damages sustained to be recovered in the same action. Provided, however, that the carrier shall not be liable for the penalty or forfeiture prescribed unless the shipment for which the cars were desired was specified in the application therefor, and a sum equal to one-half the estimated freight charges was deposited with the application for cars. When the application is made in such a way that the carrier would incur the penalty or forfeiture prescribed for failure to furnish the cars, the applicant, in the event the cars are furnished within the time prescribed shall forfeit to the carrier the amount deposited for each car not loaded and used within a reasonable time which shall be prescribed by the rule of the Commission, said penalty or forfeiture to be recovered in any court of competent jurisdiction, and shall also be liable for all actual damages sustained by the carrier by the forfeiture of the applicant to use the cars ordered by him, such damages to be recovered in the same action.

§ 9. The Railroad Commission shall have power and it shall be its duty to investigate all complaints as to delay in the transportation of freight wholly within the State of Kentucky or in the delivery of such freight, and issue mandatory orders relating thereto, after giving reasonable notice and an opportunity to the carrier to be heard, and any such mandatory order, if not unjust or unreasonable, may be enforced in any court of competent jurisdiction by a proceeding in the name of the person, corporation, or voluntary association applying therefor.

§ 10. The Railroad Commission shall have power upon complaint, after giving reasonable notice and an opportunity to the carrier to be heard, to make mandatory orders relative to the weighing of loaded cars moving, or to move, wholly within the State of Kentucky, and any such mandatory orders if not unjust or unreasonable may be enforced

in any court of competent jurisdiction in a proceeding in the name of the person, corporation or voluntary assciation applying therefor.

§ 11. Whenever, in the judgment of the Commission, after complaint made, it shall have reason to believe that the tracks, bridges, tunnels or other structure of any railroad carrier are in an unsafe or dangerous condition or unfit for travel or that any additions to, improvements or changes in the stations or terminal facilities of any such carriers, or the establishment of any new depot or station, are needed for the convenience and security of the public, the Commission shall give notice in writing to the carrier of such repairs, improvements or changes, and of the location and character of such new depot or station as it deems proper and necessary, and shall afford such carrier an opportunity to be heard in reference thereto; and if the carrier fails within a reasonable time to be fixed by the Commission in its said notice to request a hearing, or if a hearing is had and the Commission is still of opinion after said hearing that such repairs, improvements or changes, or such new depot or station, are proper and necessary, and the Commission shall make an order requiring the carrier to make such repairs, improvements or changes, or to establish such new depot or station, indicating the nature and character of such repairs, improvements, or changes, or of such new station, and fixing a reasonable time within which the carrier shall make such repairs, improvements or changes, or construct such new station, and said order, if not unjust or unreasonable, may be enforced by an action in the name of the Railroad Commission in any court of competent jurisdiction in the county in which the carrier, if a domestic corporation, has its chief place of business or principal office, or, if not a domestic corporation of this State, by a proceeding instituted in the Franklin Circuit Court, and, upon the request of

the Commission it shall be the duty of the Attorney General to institute such action or proceeding.

§ 12. In any proceeding arising under Section 8, 9, 10 and 11 of this act the carriers shall be entitled to contest any order of the Commission on the ground that it is unjust or unreasonable.

§ 13. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

§ 14. All laws and parts of laws inconsistent with this act are hereby repealed.

The amendments proposed to said bill by the Committee of the Whole House are as follows, viz.:

Amend Section 7 by striking out the figures "$3.00" and in lieu thereof insert "$1.00."

Amend Section 8 by striking out all of said section after the word "therefor" in the fifth line of said section of the original bill.

Amend Section 11 by striking out all of said section after the words "competent jurisdiction" in the 26th line of said section of the original bill.

Amend Section 11 by striking out the words, beginning in line two as follows: "The tracks, bridges, tunnels or other structures of any railroad carrier are in an unsafe or dangerous condition or unfit for travel or that"—the final word to be stricken being the eighth word in line 4.

To amend House Bill number 224 by striking out Section 11.

Amend by adding Section 13a.

Section 13. The right, remedies and causes of action provided herein shall be in addition to and not in lieu of the rights, remedies and causes of action now existing.

Said amendments were severally agreed to.

Mr. Farra offered the following amendment to said bill:

Amend by substituting the following, as Section 8.

Section 8. The Railroad Commission shall have power and it shall be its duty to prescribe rules fixing a reasonable time within which carriers by railroad shall furnish cars for the transportation of property wholly within the State of Kentucky after written request therefor, but such rules shall provide for exceptions in cases of delay on account of delay on account of sudden congestion of traffic on account of actual inability to furnish cars by reason of their temporary and unavoidable detention in other State, or in other places within the same State; on account of interference of traffic occasioned by wrecks or other accidents upon the same or other roads, involving a detention of traffic; on account of the breaking of bridges, accidental fires or washouts, and in such other cases as the Railroad Commission may deem reasonable. Any carrier failing to furnish cars within the time prescribed by such rules shall forfeit twenty-five dollars for each car which he fails to furnish within the time prescribed, to be recovered by the applicant in any court of competent jurisdiction and shall also be liable for all actual damages sustained to be recovered in the same action. Pro-

vided, however, that the carrier shall not be liable for the penalty or forfeiture prescribed unless the shipment for which the cars were desired was specified in the application therefor, and a sum equal to one-fourth the estimated freight charges was deposited with the applicant for cars. When the application is made in such a way that the carrier would incur the penalty or forfeiture prescribed for failure to furnish the cars, the applicant, in the event the cars are furnished within the time prescribed shall forfeit to the carrier the amount deposited for each car not loaded and used within a reasonable time which shall be prescribed by the rule of the Commission, said penalty or forfeiture to be recovered in any court of competent jurisdiction, and shall also be liable for all actual damages sustained by the carrier by the failure of the applicant to use the cars ordered by him, such damages to be recovered in the same action.

Said amendment was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title.

The question was taken on the passage of said bill and it was decided in the negative.

The yeas and nays being taken on the passage of said bill and in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

George Baker	Joe Hall	W. V. Perry
Eli Berry	Elwood Hamilton	Marion F. Pogue
E. Bishop	L. B. Herrington	Stanley F. Reed
Wallace Brown	A. B. Holland	Robt. H. Scott
C. W. Burton	John W. Holland	W. H. Shanks
Sidney G. Clay	John G. Kelley	C. B. Thompson
Elkanah Dickey	James A. Leach	D. B. Thurman
G. L. Drury	S. F. Middleton	J. H. Williams
J. H. Elder	Luther C. Owings	B. S. Wilson
John M. Farra	J. R. Paxton	Edward L. Young
D. Clarence Gray	William A. Perry	—31

Those who voted in the negative were—

William Ahl	A. B. Hatton	W. N. McCubbin
Robert H. Akin	James R. Howell	Ben E. Niles
J. M. Bean	R. Dillard Hunter	L. B. Owen
A. V. Bertram	Earl C. Huntsman	W. F. Parker
Thos. M. Bertram	W. J. Jackson	John A. Polin
John F. Brewer	Green R. Keller	S. L. Robertson
Hiram Brown	W. E. King	S. H. Rogers
Wm. L. Bowling	M. C. Kirk	Walter S. Sinclair
Henry Chunn	William J. Kuh	W. Scott Smith
W. Frank Cole	J. Albert Leach	A. H. Stamper
Sidney J. Collins	F. A. Lochry	John G. Stoll
Ben F. Egleston	Hugh Mahin	Henry Thomas
Eli Farmer	B. J. Matthews	E. B. Thompson
John F. Fryer	Emanuel Meyer	Yeaman Watkins
Allie T. Gaines	Harry J. Meyers	David W. Wiley
T. J. Gregory	R. C. McClure	—49
V. D. Hammond	Charles D. McCrea	

And so said bill was rejected.

Mr. Bowling moved that the vote by which the House refused to pass said bill be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. W. V. Perry moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 449. An act for taking the sense of the good people of the Commonwealth as to the necessity and expediency of calling a convention to amend the Constitution and to provide for ascertaining the number of citizens entitled to vote for Representatives within this State.

And that the same be recommitted to the Committee on Constitutional Amendments with leave to report at any time.

Said motion was agreed to.

Mr. J. W. Holland moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 203. An act to regulate the sale of opium or its alkoloidal salts or their derivaties of any admixture thereof.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives, shall be sold or dispensed only by a registered pharmacist upon the original written, dated and signed prescription of a legally licensed physician, or dentist or veterinary surgeon, and only one sale shall be made on said

prescription, and each such prescription shall state upon its face the quantity of said opium, its alkaloidal salts or their derivatives, also the name of the patient and the date said prescription is filled. And opium or its alkaloidal or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives shall be sold at wholesale only to registered pharmacists, legally qualified physicians, dentists and veterinary surgeons: Provided however, That any preparation, patent, proprietary or otherwise, containing not more than two grains of opium or one-fourth of a grain of its alkaloidal salts or their derivatives to the ounce, or admixture of ipecac and opium commonly known as Dover's Powder, or the anti-spasmodic mixtures of the National Formulary official at the time of sale, or lotions, liniments, suppositories, ointments and plasters plainly labeled "For External Use Only," may be sold or dispensed by registered pharmacists without any prescription. Any registered pharmacist, physician, dentist, or veterinary surgeon or any person not a registered pharmacist, licensed physician, dentist or veterinary surgeon, who shall prescribe for, procure for, or sell, or dispense to any person opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives, or otherwise deal in the same for any purpose other than for the legitimate use as herein provided, shall thereby render himself amenable to the penalties as in this section provided. And provided, further, That the provisions of this section shall not apply to the sales made by a registered pharmacist in the wholesale drug business to registered pharmacists, legally licensed physicians, dentists, or veterinary surgeons. Any wholesaler violating any of the provisions of this act shall render himself amendable to the penalties in this section provided. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon

conviction shall pay a fine of not less than twenty not more than one hundred dollars.

§ 2. That the sum of five thousand dollars annually, or so much thereof as may be found necessary by the Kentucky Board of Pharmacy, is hereby appropriated for the use of said board for the enforcement of this act. No expenditures under this act shall be paid by the Auditor of Public Accounts, unless same have been properly allowed by the Kentucky Board of Pharmacy, and the claims or vouchers for same made out in duplicate, giving an itemized statement of expenditures incurred, which claims shall be filed with the Auditor of Public Accounts.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. J. W. Holland offered the following amendment to said bill, viz.:

In line 31, Section 1, strike out the following:

"By a registered pharmacist in the wholesale drug business to registered pharmacists, legally licensed physicians, dentists, or veterinary surgeons," and insert in lieu thereof the following:

"Wholesale druggists to each other or to registered pharmacists or to legally licensed physicians, dentists, or veterinary surgeons, or to hospitals, sanatariums, colleges, public and scientific institutions, nor to sales made to manufacturers of proprietary or pharmaceutical prepartions for use in the manufacture of such preparations, not to the sale at wholesale to general merchants or at retail by general merchants of patent or proprietary medicines containing

not more than two grains of opium or one-fourth grain of morphine or one-fourth grain of heroin or three-fourths grain of codeine in one ounce."

Said amendment was agreed to.

Mr. Wallace Brown offered the following amendment to said bill, viz.:

Strike out Section 2.

Said amendment was disagreed to.

Mr. Kelly offered the following amendment to said bill, viz.:

In line 6 strike out the words "only one sale shall be made on said prescription."

Said amendment was disagreed to.

Mr. J. W. Holland offered the following amendment to said bill, viz.:

Amend Section 2 by adding "Said Board shall give bond for the faithful performance of their duties and their said account shall be approved by the Governor of this Commonwealth.

Said amendment was agreed to.

Ordered that said bill as amended be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same be-

ing engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
J. H. Elder
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
Robt. H. Scott
W. H. Shanks
Walter S. Sinclair
Adam Spahn
Henry Thomas
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
J. H. Williams
Edward L. Young
—73

Those who voted in the negative were—

John F. Brewer
Ben F. Egleston
T. J. Gregory
W. J. Jackson
John G. Kelley
M. C. Kirk
B. J. Matthews
R. C. McClure
W. Scott Smith
Yeaman Watkins
David W. Wiley
—11

Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And then the House recessed until three o'clock.

AFTERNOON SESSION.

At three o'clock the House reconvened.

Mr. Wilson moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 511. An act to further regulate telephone companies.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No telephone company shall consolidate its capital stock, franchises or property or pool its earnings, in whole or in part, with any other telephone company owning a parallel or competing line or structure, or acquire by purchase, or lease or otherwise any parallel or competing line or structure, or operate the same; and no telephone companies doing an exchange business in the same municipality shall consolidate or purchase, lease or operate each other's plants or lines under authoritl of this act until the

proper municipal authorities have, after such investigation as they deem necessary, determined that no substantial public benefits result from the separate existence of such companies and that actual competitive conditions do not exist and have signified such determination in a resolution consenting to such consolidation, lease, sale or operating arrangement.

§ 2. No telephone company doing a toll line business shall consolidate under authority of this act with any other company doing a like business whose lines serve the same communities or localities, or purchase, lease or operate the plants or lines of such other company until the Railroad Commission, after such investigation as it deems necessary shall determine that no substantial public benefits result from the separate existence of such companies and that actual competitive conditions do not exist and has signified such determination in a resolution consenting to such consolidation, lease or operating arrangement.

(a) Whenever the joint application of any two or more such telephone companies requesting such determination and the granting of such consent, is filed with the Railroad Commission, the said Commission is empowered and required to make such investigation, hold such hearings, examine such witnesses and require the production of such books, papers and records as it shall deem pertinent to the determination of the application and shall take such action with respect thereto as the facts in the judgment of the Commission shall warrant, and may grant or withhold such consent.

(b) In the event that any Commission shall be created with general jurisdiction over telephone companies, then the

duties and powers herein vested in the Railroad Commission shall thereupon become vested exclusively in such other Commission, and all matters arising under this act at the time under consideration by the Railroad Commission shall be turned over to such other Commission together with all documents, records and other data pertaining thereto.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. J. W. Holland moved that said bill be recommitted to the Committee on Public Utilities.

Said motion was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Hiram Brown	G. L. Drury
Eugene G. Asher	Wallace Brown	Ben F. Egleston
P. L. Atherton	Wm. L. Bowling	J. H. Elder
George Baker	C. W. Burton	John M. Farra
J. M. Bean	G. E. Carroll	John F. Fryer
Eli Berry	Henry Chunn	Allie T. Gaines
A. V. Bertram	Sidney G. Clay	T. J. Gregory
E. Bishop	W. Frank Cole	Joe Hall
H. C. Blades	Elkanah Dickey	Elwood Hamilton
John F. Brewer	Francis B. Douglas	V. D. Hammond

A. B. Hatton	B. J. Matthews	W. A. Price
L. B. Herrington	Emanuel Meyer	Stanley F. Reed
A. B. Holland	Harry J. Meyers	S. L. Robertson
James R. Howell	S. F. Middleton	Robt. H. Scott
R. Dillard Hunter	R. C. McClure	W. Scott Smith
W. J. Jackson	Charles D. McCrea	Adam Spahn
Green R. Keller	W. N. McCubbin	John G. Stoll
John G. Kelley	Ben E. Niles	Henry Thomas
W. E. King	L. B. Owen	C. B. Thompson
M. C. Kirk	Luther C. Owings	Louis B. Tieman
Charles H. Knight	A. W. Palmer	E. B. Wiley
William J. Kuh	W. F. Parker	David W. Wiley
J. Albert Leach	J. R. Paxton	J. H. Williams
James A. Leach	William A. Perry	B. S. Wilson
F. A. Lochry	W. V. Perry	Charles Yancy
Hugh Mahin	John A. Polin	—77

Those who voted in the negative were—

George P. Chinn	D. Clarence Gray	E. B. Thompson
Sidney J. Collins	John W. Holland	Yeaman Watkins
Eli Farmer	Earl C. Huntsman	—8

Resolved that the title thereof be as aforesaid.

Mr. Yancy moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 454. An act to amend an act entitled "An act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof, approved March 27, 1902, March 26, 1904, March 21, 1906, and March 19, 1910.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

§ 1. That in order to provide for the necessary repairs on the buildings and machinery of the Kentucky Confederate Home situated at Pewee Valley, Kentucky, there is hereby appropriated out of the treasury of the State a sum not to exceed the sum of fifteen hundred dollars per annum. Whenever by the certificate of the Commandant of the Kentucky Confederate Home it shall be shown that the repairs mentioned therein are necessary on the buildings and machinery of the Kentucky Confederate Home, the same may be made, and when the amount, nature and character of the said repairs are approved by the president of the said Kentucky Confederate Home, and so certified by the president of the Kentucky Confederate Home to the Auditor of the State of Kentucky said Auditor shall thereupon draw his warrant on the treasurer of the State of Kentucky to the order of the treasurer of the Kentucky Confederate Home for said amount or amounts, and of the first annual appropriation eight hundred and fifty dollars shall be refunded to and used by the treasurer of the Kentucky Confederate Home on account of amounts heretofore paid for repairs out of the per capita allowance which was set apart and intended to be specially used for the support of the inmates of said Kentucky Confederate Home.

§ 2. There is hereby appropriated out of the treasury for the purpose of erecting a new furnace for the main building and for the infirmary of the Kentucky Confederate Home, the sum of fifty-five hundred dollars. This shall be in addition to three thousand dollars heretofore provided for such purpose.

The Board of Trustees of said Kentucky Confederate Home shall employ a competent engineer or architect to prepare the plans of such furnace and to take bids thereon, and said work shall be let to the lowest and best bidder, and when the same shall in whole or in part be completed, the president of the Kentucky Confederate Home with the attached certificate of the architect as to the amount, nature and character of the work done, shall be delivered to the Auditor of the State of Kentucky setting forth the nature and character and amount of such work, he shall order warrants in favor of such persons as may have done such work upon the Treasurer of the State of Kentucky.

§ 3. There is hereby appropriated out of the treasury of the State of Kentucky for the purpose of constructing an elevator in the main building of the Confederate Home, a sum not to exceed twelve hundred dollars, and also for the erection and furnishing of a tuberculosis and cancer hospital, the sum of eight hundred dollars, and the further sum of thirty-five hundred dollars for the purpose of paying for the furniture of the infirmary at said Home; and thirty-five hundred dollars having heretofore been taken out of the per capita allowance for purchasing furniture and equipment of said infirmary.

After the plans shall have been made for the elevator and the hospital, as aforesaid, bids shall be taken and contracts for same shall be awarded to the lowest and best bidder, and when the president of the Kentucky Confederate Home shall render a statement showing the nature and amount of said work, certified to by the architect, he shall draw warrants upon the treasurer of Kentucky for such amounts payable to those who may have done said work.

erable ex-president, and in the other instance referred to In view of the illegality of these annuities and the other benefits which Dr. Patterson is receiving at the expense of the University, we are impelled from a sense of conscientious devotion to the duties assigned us in the resolution, under which we are working, to advise the Senate and House of Representatives of these regularly diverted assets of the University through these channels.

We recommend to the Board of Trustees of the University that the further payment of any annuities, or the enjoyment of other gratuitous benefits at the expense of the State, such as are referred to in this report, be immediately and forever discontinued.

We find that the present management of the University has been criticised with regard to its policy of admission of students to the privileges of the institution.

In this connection we feel impelled to advise, that the policy and methods of the present management under the administration of President Judge Barker, is not materially different, or a substantial departure from the policy theretofore pursued by the management of the institution.

We find that the criticism of the methods of admission of students to the University, and especially that class of students designated as "County Appointees," results from the difference in the construction of Subsection 7 of Section 4636a of the Kentucky Statutes, John D. Carroll Edition, 1909.

It is decided by your committee that, while the methods of the present University officials, relative to the admission

of county appointees has never resulted in the admission of more students than would be authorized throughout the entire State, yet it would be indeed a great benefit to the University and to the State, so far as the University affects the welfare of the State, for this General Assembly to enact legislation making more specific and unequivocal the law with regard to this especial feature of conducting the business of the University. And to that end we submit herewith as a part of this report the draft of a bill which we recommend as sufficient for the purpose indicated.

We transmit herewith, as part of this report, all of the evidence in writing heard by the committee, with the exception of certain explanatory statements made by President Judge Barker, and Ex-President Patterson, at the last sitting of your committee on Tuesday evening, February 20, at which time no stenographic reporter was used, owing to the fact that said witnesses were merely being recalled to advise the committee with reference to testimony formerly given by them and which appears in the record of this proceeding.

Your committee files herewith, as part of this record, a detailed statement of the expenses of this investigation, with the recommendation of the committee, as to allowance and payment thereon indorsed, showing to whom and in what amounts compensation is due and owing.

Your committee, having fully executed this commission as we understand it, makes this its final report and most respectfully requests to be discharged finally from further proceeding under the joint resolution, by which it was created.

by virtue of a joint resolution which originated in the Senate and concurred in on a former by this House, authorizing and directing an investigation of the State University of Kentucky, offered the following report, viz.:

FINAL REPORT OF SPECIAL JOINT COMMITTEE OF STATE UNIVERSITY.

The General Assembly of Kentucky:

We, the undersigned joint committee of the Senate and House of Representatives, especially appointed under the authority of and for the purpose of executing the joint resolution of the Senate and House of Representatives, authorizing an investigation of State University of Kentucky, at Lexington, Kentucky, most respectfully report as follows:

We have held a number of sitings to hear testimony with regard to the general conduct and management of the above named institutions and we have examined twelve witnesses, viz.: Dr. James K. Patterson, Dr. Arthur Yeager, Dr. Crossfield, Dr. Frederick W. Hinnitt, Mrs. Faulconer, Mr. S. L. Butler, Judge H. S. Barker, Mr. C. B. Edens, Mr. R. C. Stoll, Mr. C. B. Terrell, and Mr. Davis, the three latter trustees of said University, Judge W. T. Lafferty and Mr. S. L. Gilles.

We have given the investigation a wide scope designing it to disclose as fully as possible every fact and circumstance that would enlighten us as to the true and actual conditions and management of the University.

We beg to report that the University, according to the weight of the testimony offered and received before the committee, is in the hands and under the direction of capa-

ble, efficient and faithful officials, who are bending their best energies to the single-hearted object of the success of the University as an institution of learning.

We believe that in the present incumbent of the Presidency of the State University the Commonwealth of Kentucky is to be congratulated in that the head of this institution is a man, who is combining superior executive ability with tireless and well-directed industry in the management of the State's chief educational institution with result that its progress and rapid advancement is a condition, that is so apparent as to be beyond question.

We find that the University is indebted in a sum, according to the proof, of approximately $95,000. According to the weight of the evidence, approximately $75,000 of this debt was incurred before the institution passed under the Presidency of Judge Barker.

We recommend most earnestly, that the General Assembly immediately appropriate to the use and benefit of State University the amount of money called for and recommended by the present management, to discharge the present indebtedness and meet the current needs of the institution.

We further report that your committee is advised that the trustees of said University have heretofore granted certain annuities to Ex-President James K. Patterson, and in one other instance, a minor annuity has been recently allowed to a deserving woman, formerly connected with the institution.

We regret that we are unable to find any warrant of law for these allowances to the institution's eminent and ven-

§ 4. The Board of Trustees of the Confederate Home are authorized to employ two trained nurses to be used in the infirmary for the care of the inmates of the buildings, and there is hereby provided out of the treasury for such purpose a sum not to exceed ninety dollars per month for the employment of said two nurses. The payment for this service shall be made quarterly by draft drawn by the president on the Auditor of Kentucky in favor of the Confederate Home.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George P. Chinn	V. D. Hammond
Robert H. Akin	Henry Chunn	A. B. Hatton
P. L. Atherton	Sidney G. Clay	L. B. Herrington
George Baker	W. Frank Cole	A. B. Holland
J. M. Bean	Sidney J. Collins	John W. Holland
Eli Berry	Elkanah Dickey	James R. Howell
A. V. Bertram	Francis B. Douglas	R. Dillard Hunter
Thos. M. Bertram	G. L. Drury	W. J. Jackson
E. Bishop	Ben F. Egleston	Green R. Keller
H. C. Blades	Eli Farmer	W. E. King
John F. Brewer	John M. Farra	M. C. Kirk
Hiram Brown	John F. Fryer	Charles H. Knight
Wallace Brown	D. Clarence Gray	William J. Kuh
Wm. L. Bowling	T. J. Gregory	James A. Leach
C. W. Burton	Joe Hall	J. Albert Leach
G. E. Carroll	Elwood Hamilton	F. A. Lochry

Hugh Mahin	W. F. Parker	Walter S. Sinclair
B. J. Matthews	J. R. Paxton	Adam Spahn
Emanuel Meyer	William A. Perry	John G. Stoll
Harry J. Meyers	W. V. Perry	Henry Thomas
S. F. Middleton	Marion F. Pogue	C. B. Thompson
R. C. McClure	W. A. Price	E. B. Wiley
W. N. McCubbin	Stanley F. Reed	David W. Wiley
L. B. Owen	Robt. H. Scott	B. S. Wilson
Luther C. Owings	W. H. Shanks	Charles Yancy

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Those who voted in the negative were—

John G. Kelley Yeaman Watkins

—2

Resolved that the title thereof be as aforesaid.

Mr. H. J. Meyers moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. Brewer introduced a bill of the following title, viz.:

H. B. 550. An act to provide for catching fish with a seine in the running waters, lakes or ponds in the counties of the State of Kentucky; to provide for taking the sense of the voters of any county with reference thereto, to provide for the issuing of license and the disposal of funds arising therefrom.

Said bill was ordered to be printed and referred to the Committee on Fish and Game.

Mr. Wilson of the Joint Committee of the Senate and House of Representatives heretofore appointed under and

All of which is most respectfully reported.

Frankfort, Ky., Feby. 28, 1912.

(Signed) E. E. Hogg,
Sidney G. Clay,
B. S. Wilson,
Ben E. Niles.

Mr. Clay moved that said report be received and ordered to be printed.

Said motion was agreed to.

Mr. H. J. Meyers moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

S. B. 4. An act defining public roads, providing for their establishment, regulation and construction and use and maintenance, creating the office of road engineer and prescribing the duties thereof.

Said motion was agreed to.

Mr. Hamilton moved that this House do now resolve itself into the Committee of the Whole House for considering said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair having designated Mr. Hamilton as Chairman of the Committee of the Whole House.

Thereupon the House was convened in the Committee of the Whole House for the purpose above stated.

After a time the Speaker resumed the Chair and called the House to order.

Mr. Hamilton of the Committee of the Whole House reported that said Committee had had under consideration the bill aforesaid had made some progress, but having completed same asked leave to sit again tomorrow at eleven o'clock, which was granted.

And then the House adjourned.

FRIDAY, MARCH 1, 1912.

The House was opened with prayer by the Rev. Father J. A. Flynn of the Roman Catholic Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Wilson offered the following resolution, viz.:

Resolved, That the chairman of the several standing and special committees, that have had under consideration certain investigations, are hereby directed to prepare, certify and present to the Clerk of the House a statement, itemized, of the amount of the expenses incurred by said committees respectively: When so prepared, certified and presented the Clerk is hereby instructed to certify same to the Auditor of Public Accounts, who is directed to pay same

Those who voted in the affirmative were—

Robert H. Akin
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
E. Bishop
Hiram Brown
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
W. Frank Cole
Francis B. Douglas
G. L. Drury
J. H. Elder
John M. Farra
S. Walton Forgy
Allie T. Gaines
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
M. C. Kirk
Charles H. Knight
William J. Kuh
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
Robt. H. Scott
W. H. Shanks
W. A. Shawler
W. Scott Smith
Adam Spahn
John G. Stoll
E. B. Thompson
C. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
—66

Those who voted in the negative were—

William Ahl
Eugene G. Asher
Thos. M. Bertram
John F. Brewer
Wm. L. Bowling
Sidney G. Clay
Elkanah Dickey
Eli Farmer
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
A. B. Hatton
W. J. Jackson
W. E. King
J. Albert Leach
R. C. McClure
W. N. McCubbin
L. B. Owen
S. H. Rogers
Walter S. Sinclair
Yeaman Watkins
David W. Wiley
—23

A message was received from the Senate anouncing that they had received official information that the Governor had approved and signed a bill which originated in the Senate entitled,

S. B. 18. An act to amend Chapter 21, of the Acts of 1906, entitled "An act to amend Section 2560, of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled "Liquors—Intoxicating."

That they had concurred in a resolution adopted in the House of Representatives entitled,

H. Res. 19. Resolution providing for the payment of the expenses of the joint committee on redistricting created and appointed by the General Assembly at the Session of 1910.

That they had adopted a resolution and passed bills entitled,

1. S. B. 88. An act to regulate the employment of females in order to safeguard their health.

2. S. B. 24. An act to amend Sections 3925, 3927, 3929, 3930, 3931 and 3933, Chapter 102, Carroll's Edition.

3. S. B. 147. An act to protect and regulate the catching of mussel shells in the Ohio River and Kentucy tributaries.

4. S. B. 187. An act to amend an act approved March 21, 1910, being Chapter 50, of the Acts of 1910, entitled an act to amend an act entitled an act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894, and thereafter in due course became a law and as same has since amended of which said act and amendments now appear as Article 3, Chapter 89, Kentucky Statutes, Carroll's Edition, 1909.

houses relative to Senate Bill 135, entitled "An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky," do now offer the following report:

We hereby recommend that the Senate recede from its action relative to the amendment, proposed by the House of Representatives, to said bill, and that the House of Representatives recede from its proposed amendment to said bill, and that we now recommend the adoption of the following amendment to said Senate Bill 135, which accompanies this report, and that the same be adopted and the bill passed as amended.

Conferees on the part of the House:

Elwood Hamilton, Chair.
Wallace Brown
L. C. Owings
W. V. Perry
C. B. Thompson

Conferees on the part of the Senate:

W. B. Moody
W. A. Frost
E. Bertram
P. J. Beard
H. D. Newcomb

Amend by adding Section 1: Any tax law passed or enacted by the General Assembly persuant to the provisions of or under this amendment, or amended section of the Constitution, shall be subject to the referendum power of the people, which is hereby declared to exist to apply only to this section, or amended section. The referendum may be demanded by the people against one or more items, sections, or parts of any act enacted persuant or under the power granted by this amendment, or amended section. The referendum petition shall be filed with the Secretary of State not

more than four months after the final adjournment of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people under this section. All elections on measures referred to the people under this act shall be at the regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon, and not otherwise. The whole number of votes cast for the condidates for Governor at the regular election, last preceeding the filing of any petition for the referendum shall be the basis upon which the legal voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the legislative assembly at the time any act or bills are enacted, persuant to the power granted under this section or amended section, prior to the year 1917. After that time, the power of the referendum may be ordered either by the petition signed by five per cent of the legal voters or by the legislative assembly at the time said acts or bills are enacted. The General Assembly enacting the bill shall provide a way by which the act shall be submitted to the people. The filing of a referendum petition against one or more, items, sections or parts of an act, shall not delay the remainder of that act from becoming operative.

Said report was adopted.

Said bill as amended by said Conference Report was then passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

as a contingent expense of the House, and draw his warrant upon the Treasurer for same payable to the person or persons entitled thereto as designated by the Chairman of the respective Committees.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
A. V. Bertram
E. Bishop
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
Francis B. Douglas
J. H. Elder
John M. Farra
S. Walton Forgy
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
J. Albert Leach
F. A. Lochry
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
W. V. Perry
Marion F. Pogue
John A. Polin
Stanley F. Reed
W. A. Shawler
W. Scott Smith
A. H. Stamper
John G. Stoll
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
J. H. Williams
B. S. Wilson

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Those who voted in the negative were—

John F. Fryer

—1

Mr. Hiram Brown presented the petition of the citizens of the city of Hopkinsville asking that said city be placed in the class assigned to the cities of the third class.

Which was received its reading dispensed with and referred to the Committee on Classification of Cities and Towns.

Mr. Baker offered the following joint resolution, viz.:

H. Res. 20. Resolution for the benefit of S. J. Gish, of Central City, Kentucky, refunding to him the sum of eleven hundred and forty-three dollars and forty cents collected from him for the State of Kentucky as back taxes.

Said resolution was ordered to lie on the Clerk's desk.

Mr. Hamilton, one of the conferees heretofore appointed presented the report of the Committee of Conference appointed to take into consideration the matters of disagreement between the two houses relative to a bill entitled,

S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

(For bill see House Journal, February 21.)

Said report reads as follows, viz.:

SENATE BILL 135.

We, the undersigned conferees on part of the House of Representatives and the Senate of the Geneural Assebly of the Commonwealth of Kentucky, appointed to take into consideration the matters of disagreement between the two

5. S. B. 179. An act to amend Chapter 50 of the Acts of 1910 of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

Said bills were ordered to be printed and referred,

1. To Committee on Immigration and Labor.

2. To Committee on County and City Courts.

3. To Committee on Fish and Game.

4 and 5. To Committee on Municipalities.

S. Res. 22. Resolution to appropriate money for the payment of expenses of the joint committee on Charitable Institutions.

Mr. Knight moved that the rules be suspended and that said resolution be taken up for consideration.

Said motion was agreed to.

Said resolution was read as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That there is hereby appropriated six hundred and seventy-six dollars and seventy-five ($676.75) cents out of any money in the Treasury, not otherwise appropriated, to pay the expenses of the joint committee of the Senate and House of Representatives of Kentucky, which visited Hopkinsville Insane Asylum; the Lakeland Insane Asylum; the Children's Home at Louisville; and the Associated Tuberculosis Sanatorium at Louisville, and the Auditor of Public Accounts will, upon the certificate of the

Chief Clerk of the Senate, draw his warrant of Gates Young, Sergenat-at-Arms of the Senate, who conducted said trip, for the same.

In order to pay said expenses it is necessary that this resolution go into effect at once, and an emergency is declared to exist for its immediate passage.

Said resolution was concurred in.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Francis B. Douglas
G. L. Drury
J. H. Elder
John M. Farra
Allie T. Gaines
T. J. Gregory
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
F. A. Lochry
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
Ben E. Niles
L. B. Owen
Luther C. Owings
Marion F. Pogue
J. R. Paxton
William A. Perry
W. V. Perry
John A. Polin
W. A. Price
S. L. Robertson
Robt. H. Scott
W. H. Shanks
Walter S. Sinclair
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson

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Mr. Reed of the Committee on Constitutional Amendments to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 449. An act for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a convention to amend the Constitution and to provide for ascertaining the number of citizens entitled to vote for Representatives within this State.

With an amendment thereto by way of substitute therefor.

Said bill reads as follows, viz.:

Whereas, experience has pointed out the necessity of amending the Constitution and the expediency of calling a convention for that purpose; therefore,

Be it eacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the next general election for Representatives to the General Assembly, it shall be the duty of the several sheriffs and other officers of election to open a poll for and make a return to the Secretary of State, for the time being, of the names of all citizens entitled to vote for Repreasentatives who have voted at the said election for calling a convention for the purpose or re-adopting, amending or changing the Constitution.

§ 2. That any sheriff or other returning officer failing to perform the duty imposed by first section of this act shall be subject to a fine of six hundred dollars ($600). to be recovered by indictment of the grand jury in any court hav-

ing jurisdiction thereof, and shall, upon conviction of such failure, be removed from office by the court in which such conviction is had.

§ 3. That for the purpose of ascertaining the number of citizens entitled to vote for Representatives within this State in the year 1913, there shall be furnished, as hereinafter provided, to the sheriffs and other officers of the election in November, 1913, a registration book, in which the officers of the election shall record the names of all citizens entitled to vote for Representative within this State at the said election. The officers of the election shall be ex-officio officers of registration, and shall have said registration book open for the record of said names between the hours of 6 o'clock a. m. and 7 o'clock p. m. on the day of November, 1913, election at all the voting places in this Commonwealth. And it shall be the duty of all citizens of this Commonwealth who are entitled to vote for Representatives, on the day of the next general election in November, 1913, to go before the sheriffs and other returning officers of said election in the voting precinct in which they are severally entitled to vote, and cause themselves to be registered on the poll book as qualified voters of this Commonwealth, and the names of any and all citizens living in the district known to said officers to be entitled to vote for Representative, or made known to them by evidence on that day, shall be registered as not voting. And in the year 1913, no other officer shall be authorized to make any list or return of the qualified voters of this Commonwealth, nor shall any return thereof except the registration books and certificates provided for by this act be made, and all laws requiring list or returns of such qualified voters, are hereby repealed, so far as the year 1913 is embraced therein. The total number of votes so registered shall be the true number of citizens en-

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 302. An act designating the method of selecting a person to act in the absence or disqualification of a County Judge.

H. B. 349. An act creating the office of County Surveyor in counties having therein cities of the second class, prescribing his duties and fixing his compensation.

H. B. 309. An act providing for the keeping of record books of the Quarterly Court providing for a clerk and deputy, fixing a compensation and making a special provision as to Jefferson County regarding the disposition of fees.

H. B. 517. An act to amend Section 1, Article 19, Chapter 22, Acts 1906, approved March 15, 1906, known also as Section 4281a, Kentucky Statutes.

S. B. 127. An act to increase the compensation of the members of the General Assembly of Kentucky.

H. B. 525. An act to amend and re-enact Section 3721, Kentucky Statutes, authorizing notaries public to act in any county in the State.

H. B. 541. An act to amend the school laws of cities of the first class.

H. B. 548. An act to enable cities of first class to construct an extension to their systems for the disposition of sewerage.

H. B. 523. An act to prohibit the substitution of drugs and proprietary preparations and defining penalty therefor.

H. B. 330. An act to prevent accidents on railroads.

H. B. 393. An act to require railroad companies to stop all passenger thains at any station where may be located any public institution of the State.

H. B. 429. An act changing the Twenty-first, Twenty-third, Twenty-fifth and Thirty-third Judicial Districts of Kentucky and fixing the time for holding courts in same.

With an amendment thereto by way of substitute therefor.

H. B. 27. An act for the benefit of traveling men, railroad men and all others whose occupation or duties cause them to be absent from their homes on election day.

S. B. 225. An act for the benefit of the Kentucky School for the Deaf and the teachers and supervisors therein.

H. B. 514. An act to amend Section 4527, Kentucky Statutes.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles and placed in the Orders of the Day.

Those who voted in the negative were—

John F. Brewer	John F. Fryer	Yeaman Watkins
Henry Chunn	W. A. Shawler	—7
Elkanah Dickey	W. Scott Smith	

The committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Polin of the Committee on Circuit Courts:

H. B. 382. An act to fix the time for holding Circuits Courts in the 31st Judicial District.

By same:

S. B. 11. An act changing and fixing the date for holding courts in the Twenty-seventh Judicial District of Kentucky.

By same:

H. B. 533. An act to amend and re-enact Section 1846, Article 1, Chapter 52, Kentucky Statutes, 1909, Carroll's Edition, relating to increase of penalties for failure of Fiscal Court to publish the financial condition of the county.

By Mr. Polin of the Committees on Cities of the Fourth Class:

H. B. 513. An act to amend and re-enact Section 3650, Kentucky Statutes, providing for extending the boundaries of common school districts of cities of the fourth class.

By Mr. Howell of the Committee on Insurance—Fire and Marine:

S. B. 222. An act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a fire marshal of the State of Kentucky and for assistants to the fire marshal; fixing their powers and duties; also to provide for the payment of the fire marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth, including the pay of assistants to the fire marshal.

By Mr. Forgy of the Committee on Redistricting—Judicial:

H. B. 430. An act to change the 29th and 11th Circuit Court Districts of Kentucky; and providing for the time for holding terms of Circuit Courts in said districts.

By Mr. Atherton of the Committee on Municipalities:

H. B. 457. An act to amend Section 1501 of Carroll's Kentucky Statutes, 1909.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 340. An act to provide for the consolidation of trust companies organized under the laws of the State of Kentucky.

By Mr. Kelly of the Committee on Cities of the Fifth and Sixth Class:

H. B. 535. An act to allow towns of the sixth class in the State of Kentucky to acquire lands adjacent to said towns by condemnation for the purpose of perfecting the disposal of sewage of said towns.

titled to vote for Representative within this State, for the purpose of ascertaining whether a majority of all the citizens of this State entitled to vote for Representative vote for calling a convention for the purpose of readopting, amending or changing the Constitution.

§ 4. That said registration books shall be appropriately ruled and headed, so that they may, and it is hereby enacted that the same shall be the poll books for recording the votes for and against the calling of the constitutional convention, and for ascertaining the number of citizens entitled to vote for Representative within the State. It shall be the duty of the officers of election to propound to every voter the question: "Do you vote for calling a constitutional convention or not?" If such voter shall answer in the affirmative, his name shall be recorded as voting for said convention; if such voter shall answer in the negative, his name shall be recorded as voting against said convention, and if such voter makes no answer, his name shall be recorded or registered as not voting upon said question. And it shall be the duty of the officers holding the election at each voting place in the State to certify the total number of voters registered, and the number voting for calling the constitutional convention, and to make out a duplicate certificate showing said facts. The registration book shall be by them immediately sent, at the expense of the Commonwealth, by mail, to the Secretary of State, at Frankfort, Kentucky, and the duplicate certificate attached to the poll-book for the election of State officers, and return therewith as now directed by law.

§ 5. The Secretary of State in office at the convening of the General Assembly next after the election in November, 1913, shall, immediately upon the organization of the same, transmit to each House a statement, prepared by him

from the said registration and poll-books, showing how many votes were at the said election cast in favor of said convention, and the total number of voters registered, whether voting for or against or not at all. The report shall be made up by counties. He shall retain the registration books for the use of, examination and inspection of the next General Assembly.

§ 6. It shall be the duty of the officers whose duty it is by law to compare and certify the votes for State officers, to make out from the certificates returned with the State election poll-books as above provided and at the time they certify the votes for State officers, a certificate by voting places, showing the total number of votes registered and the number voting for calling a constitutional convention, and to send the certificate to the Secretary of State; and if the registration book provided for above shall, as to any voting place, be lost, destroyed or not returned, then the Secretary of State, in making the report to the General Assembly shall use the information in the certificate as to any such district or precinct, and he shall, moreover, use the certificate to show that he has or has not the registration book for each voting place in each county named in said certificate.

§ 7. It shall be the duty of the Secretary of State, after the adjournment of this General Assembly, to make out the form of a registration book and certificates to be made and used as herein provided, and to furnish the same to the Public Printer forthwith, and it shall be the duty of the said Public Printer to make up and bind in the usual form one registration book, with a certificate thereon for each voting place in the State; also the duplicate certificate and the county certificate, and send the same to the several sheriffs, who shall see that they are delivered and used at the various voting places as herein required.

Mr. Clay of the Committee on Racing Commission to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 242. An act to promote the live stock interests in the State of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the Genehal Assembly of the Commonwealth of Kentucky:

§ 1. All fees or sums of money paid after the date upon which this act becomes a law, for license to stand for service a stallion, jack, bull, boar or ram shall be set apart and paid to the various fair associations throughout the State to be used by such associations for premiums or prizes for live stock to be exhibited in competitions at such fairs or public exhibitions, except for racing contests.

§ 2. Such fees or sums of money paid in each county during each year ending with the 30th day of June shall be paid, for the purpose above mentioned, to the fair association holding a fair in such county during that calendar year. Before any fair association shall be entitled to receive such money for the purpose above mentioned, it shall cause to be filed in the office of the clerk of such county the affidavit of its president and secretary stating the organization of such association, their official connection with the association, the character of the exhibition to be given, the intention to give such exhibition, and the date or dates on which the fair is to be given. The affidavits shall also state the amount of money to be given by the association as premiums, prizes, stakes and purses for live stock or in live stock competition,

and the fair cash value of any articles or things of value to be so given. The board of directors of the association shall designate the person or persons to whom the money is to be delivered for the association and the affidavits of the president and secretary shall also state such action of the board of directors and the person or persons designated by the board to receive the money.

§ 3. A bond shall be filed in the county clerk's office by said association to the Commonwealth of Kentucky, with good and sufficient security to be approved by the county clerk, conditioned that said money shall be used for purposes fixed by this act, and that the association will faithfully comply with all of the provisions of this act, the penal sum of such bond to be not less than the amount to be paid to such association. Upon the giving of such bond and the filing of such affidavits, the county clerk shall pay to the association the money due in accordance with the provisions of this act before the date for the beginning of the fair or public exhibition. Such money to be paid over to the person or persons designated by the board of directors to receive the money for the association, as shown by the affidavits on file.

§ 4. Within thirty days after such fair or public exhibition, the president and secretary of the fair association shall file a report under oath in the county clerk's office stating the purposes for which the money was used, the amount used, and the amount, if any, remaining unexpended. Any sum so remaining shall be immediately paid to the Commissioner of Agriculture and by him paid to the State Board of Agriculture, Forestry and Immigration to be used by that board for the benefit of the Kentucky State Fair. Such report shall also state any profits, if any, earned by the asso-

submitted shall be as follows: "Are you in favor of calling a convention to amend or revise the present Constitution and the amendments thereto?"

§ 4. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in Sate elections.

§ 5. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes cast for the calling of the Convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend the present Constitution of Kentucky, and such amendments as may have been thereto.

Said substitute was adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Eugene G. Asher	J. M. Bean
Robert H. Akin	P. L. Atherton	Eli Berry

Thos. M. Bertram
E. Bishop
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
Eli Farmer
S. Walton Forgy
John F. Fryer
Allie T. Gaines
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
John A. Polin
Stanley F. Reed
S. L. Robertson
Robt. H. Scott
W. A. Shawler
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
E. B. Wiley
David W. Wiley
B. S. Wilson
Charles Yancy
L. B. Owen

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Those who voted in the negative were—

D. Clarence Gray T. J. Gregory L. B. Owen

—3

Resolved that the title thereof be as aforesaid.

Mr. W. V. Perry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

§ 8. That any officer failing to do or perform any of the acts or duties enjoined upon him by the third, fourth, fifth, sixth and seventh sections of this act, shall be subject to a fine of five hundred dollars ($500), to be recovered by indictment of any grand jury in any court having jurisdiction thereof, and shall, upon conviction, be removed from office by the court in which said conviction is had.

§ 9. That it shall be the duty of the Secretary of State to have this act advertised in one weekly newspaper in each county of this Commonwealth, wherein there is such paper published for four weeks, and in one of the daily papers of the city of Louisville for thirty days immediately preceding the election, and in every county said Secretary shall cause to be posted at the courthouse door a copy of this act, printed in hand-bill form, for at least four consecutive weeks before such election.

§ 10. It shall be the duty of the Public Printer to print ten thouand copies of this act upon a separate sheet of paper and deliver them to the Secretary of State, who shall forward the same to the county clerks of the varous counties in this State in such numbers as to provide at least two copies thereof for each voting precinct; said clerks shall deliver the same to the sheriffs or other officers acting in the place thereof; and it shall be the duty of such sheriff or other officer to post one copy of said act at each voting place, and another copy at some other suitable place in said precinct four weeks prior to the election. Any officer failing to discharge the duties prescribed in this section of this act shall be fined for each and every failure twenty dollars, to be recovered in any court having jurisdiction thereof.

§ 11. This act shall take effect and be in force from and after its passage.

Said substitute reads as follows, viz.:

Whereas, experience has pointed out the necessity of amending or revising the present Constitution of Kentucky, and the expediency of calling a convention for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it is the sense of this General Assembly in its regular session now being held in the year 1912 that it is necessary and expedient to take the sense of the people of the State of Kentucky upon the question as to whether or not a convention shall be called for the purpose of revising or amending the present Constitution of Kentucky and such amendments as may have been made to same.

§ 2. That if the next General Assembly shall concur in this act, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections, at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of this law by the next General Assembly, at which time so provided, and at the places herein mentioned, the votes of the qualified voters shall be taken for and against calling the Convention in the same manner provided by law for taking votes in other State elections.

§ 3. The question to be submitted to the aforesaid qualfied voters shall be printed on the ballot in the same manner that other questions submitted to the voters of the whole State are now required to be printed, and the question

ciation, and if this information cannot be accurately given, the reason therefor must be stated.

§ 5. It shall be the duty of the county clerk immediately upon receipt of such report, to file in the office of the Commissioner of Agriculture, certified copies of the affidavits, bond and report required hereunder, and the Commissioner of Agriculture shall have the power to institute an action in the name of the Commonwealth against the association and upon its bond to recover any money not used in accordance with the provisions of this act, and to institute such action against the association and upon its bond to recover any money, when, under the provisions of this act, it may become the duty of said association to refund or repay such money or any part thereof.

§ 6. If no affidavit is filed in the county clerk's office as herein provided, on or before the 30th day of June, then the county clerk shall pay all of said license fees paid during the year ending with that date, to the Commissioner of Agriculture, which shall be paid by him to the State Board of Agriculture, Forestry and Immigration to be used by that Board for the benefit of the Kentucky State Fair.

§ 7. If such affidavits be filed on or before the 30th day of June by more than one association, the money due under this act shall be paid by the county clerk to that association offering the largest sum of money for premiums, prizes, stakes or purses, including the fair cash value of any articles or things of value offered for such purposes, as shown by the affidavits on file; and if the same amount is to be given by two or more associations as shown by such affidavits, then the amount is to be divided equally between or among such associations.

§ 8. In case more than one affidavit is filed, the president and secretary of the association or associations receiving money shall, in addition to the report hereinbefore required, also report the amount of premiums actually given by such association, and the failure to give as premiums, prizes, stakes or purses, the amount of money stated in the affidavits shall entitle the Commissioner of Agriculture to recover from the association the money received under this act. The amount of money offered by the association as premiums, prizes, stakes or purses, as shown in the affidavits of its president and secretary, must be offered in good faith. But if any ring, contest or exhibition, except racing contests and contests or exhibitions for which stakes or purses be offered, for which a premium or prize be offered in good faith, there be no more than one entry, then the association is not to be charged with the failure to give the premium or prize so offered.

The association may prescribe reasonable rules and regulations for entries to racing contests or to other contests or exhibitions for stakes or purses. If such reasonable rules and regulations be not complied with or if for causes beyond the control of the association, any race or any contest or exhibition, for which a stake or purse be in good faith offered, cannot be given, then the association is not to be charged with the failure to give the money so offered.

The Commissioner of Agriculture may, for sufficient cause, other than those herein enumerated, excuse the association for failure to give any premium, prize, stake or purse offered in good faith, but this provision shall not require the Commissioner to excuse the association for the failure to give any premium, prize, stake or purse offered in good faith, except for the reasons hereinbefore stated.

§ 9. No profits shall at any time be distributed by any association among its members or stockholders until all money received under this act shall have been repaid by the association to the Commissioner of Agriculture. Any profits may be retained, however, and used at future fairs or exhibitions for the purposes herein named or for providing suitable grounds, buildings or equipment. Failure of any association to give a fair or exhibition of the character herein named for three years from the date of the giving of a fair or exhibition, shall entitle the Commissioner of Agriculture to recover from the association out of the profits in the hands of the association, after the giving of its last fair or exhibition, the amount of money received by the association at any time under the provisions of this act.

§ 10. The provisions of this act shall apply only to an association of individuals or any corporation organized for the purpose of giving what is ordinarily known as a live stock or agricultural fair, at which fair or exhibition, however, rings must be provided and prizes or premiums given, at least, for horses, mules and jack stock. The money received under this act, however, may be used as premiums or prizes for any other class or classes of live stock, which may be exhibited at such fair or exhibitions.

Failure on the part of any association or of its president and secretary to file or to cause to be filed in the office of the county clerk the report required by this act shall entitle the Commissioner of Agriculture to recover from such association the money received by it, and all money recovered or received by the Commissioner of Agriculture under the provisions hereof shall be by him paid over to the State Board of Agriculture, Forestry and Immigration to be used by that Board for the benefit of the Kentucky State Fair.

§ 11. Within fifteen days after the thirtieth day of June of each year, the county clerk shall file a report with the Commissioner of Agriculture, showing all of the fees received by him during the year ending with that date, for licenses, as provided in this act, and the disposition made by him of such money under the provisions of this act. For failure to file such a report, the clerk shall be liable to a penalty of twenty per cent upon the amount of money so received by him, which penalty may be recovered by the Commissioner of Agriculture, and by him turned over to the State Board of Agriculture, Forestry and Immigration to be used by that Board for the benefit of the Kentucky State Fair.

§ 12. Any action authorized by the Commissioner of Agriculture, under the provisions of this act, must be instituted within two years from the date of the accrual of such cause of action.

§ 13. It shall be the duty of the county attorney of the county in which the fair is given, upon request of the Commissioner of Agriculture, to institute and prosecute any action authorized to be instituted by this act.

§ 14. Whereas it is believed that the various fair associations are in need of the money which may be received under the provisions of this act, and it is desirous that such fair associations receive as many of the license fees which shall be paid before June 30, 1912, as possible, an emergency is hereby declared to exist for the immediate taking effect of this act, and it shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton
George Baker
A. V. Bertram
Thos. M. Bertram
E. Bishop
Hiram Brown
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
G. L. Drury
John M. Farra
S. Walton Forgy
Allie T. Gaines
Elwood Hamilton
L. B. Herrington
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
M. C. Kirk
Charles H. Knight
William J. Kuh
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
Charles D. McCrea
C. B. Nichols
Luther C. Owings
William A. Perry
W. V. Perry
John A. Polin
Stanley F. Reed
S. L. Robertson
Robt. H. Scott
W. H. Shanks
W. A. Shawler
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
E. B. Wiley
J. H. Williams
B. S. Wilson

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Those who voted in the negative were—

William Ahl
Robert H. Akin
J. M. Bean
John F. Brewer
Wallace Brown
C. W. Burton
G. E. Carroll
Elkanah Dickey
J. H. Elder
Eli Farmer
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
V. D. Hammond
A. B. Hatton
A. B. Holland
James R. Howell
Green R. Keller
John G. Kelley
W. E. King
F. A. Lochry
S. F. Middleton
R. C. McClure
W. N. McCubbin
Ben E. Niles
L. B. Owen
A. W. Palmer
W. F. Parker
J. R. Paxton
Marion F. Pogue
W. A. Price
S. H. Rogers
Walter S. Sinclair
W. Scott Smith
A. H. Stamper

David P. Thurman David W. Wiley —40
Yeaman Watkins Charles Yancy

Resolved that the title thereof be as aforesaid.

Mr. Clay moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration a bill entitled,

S. B. 4. An act defining public roads, providing for their establishment, regulation and construction and use and maintenance, creating the office of Road Engineer and prescribing the duties thereof.

As per order upon adjournment yesterday the House resolved itself into the Committee on the Whole House for the purpose of considering said bill.

After a time the Speaker resumed the Chair, Mr. Hamilton of the Committee of the Whole House reported that said committee had had under consideration the bill aforesaid had adopted sundry amendments thereto and had been instructed by said committee to report the same back to the House and asked to be discharged from the further consideration of said bill, which was granted.

The House then resumed the consideration of said bill.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All public roads on which the several county courts have heretofore appointed surveyors to work the same, and allotted hands therefor, which have not been vacated according to law, are hereby declared public roads, without regard to any informality in the orders of the county court by which they were established. A public road shall be deemed to include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, and all bridges having a span of five feet or less.

§ 2. No bridge unless it be exclusively for footmen, shall be less than twelve feet wide. All public roads which are now established in any of the counties of this State as public roads, shall remain of the width they now are unless the County Court shall have made a special order for a different width, which order must be a matter of record in the office of the County Clerk. Before making said order a petition must be filed by the County Road Engineer or by two land owners and in all other respects the procedure shall be the same as in application for opening or discontinuing a road. All public roads which may hereafter be established in any of the counties of this State as public roads shall occupy a right of way not less than thirty feet wide unless the County Court order it to be a greater width.

§ 3. The grade of any road to be hereafter established shall not exceed five feet rise per hundred feet unless especially authorized by the County Court.

§ 4. The term "County Court" in this chapter shall be construed and held to apply to that tribunal presided over by a County Judge.

§ 5. The term "Fiscal Court" where so used in this chapter shall mean the court having charge of the fiscal af-

fairs of the county whether composed of the County Judge and the Justice of the Peace or the County Judge and Commissioners.

§ 6. The road precincts as now established in the several counties of this State shall remain until changed by the County Court.

§ 7. No road precinct shall include any part of any incorporated city, town or village, which by the provisions of its charter keep its own roads, streets and alleys in order.

§ 8. Nothing contained in this chapter shall be construed to take from the jurisdiction, charge or control of the council, trustee or any authority of any incorporated city, town or village so much of any road, bridge, landing or wharf, or any other thing, as by the laws now in force, is exclusively under such jurisdiction, charge or control.

§ 9. Every public road, bridge, or landing, and every street or alley, in any incorporated city, town or village heretofore established and opened pursuant to law and which has not been lawfully discontinued or vacated shall continue as such, until properly discontinued, and every road, street or alley, used and occupied as a public road, street or alley, shall in all courts and places be taken and deemed to be a public road, street or alley (as the case may be) whenever the establishment thereof as such many come in question.

§ 10. The roads, bridges and landings transferred by the State to the several counties in which they are located shall hereafter be regarded as public roads, bridges and landings.

§ 11. No more than two acres of land shall be condemned for any landing and no road or landing shall be established by the County Court of the county upon or through any lot of any incorporated city, town or village, without the consent of the owner thereof.

§ 12. When any road is altered, the former road shall be discontinued to the extent of such alteration and no further, and the new one established.

§ 13. Nothing in this chapter shall be construed as to prevent any County Court from acquiring by gift any land for public road purposes as provided in this chapter, but the title to all rights of way, whether acquired by gift, or condemnation, and all discontinuations of public roads shall be reported by the county engineer to the County Clerk and made a matter of record in the County Clerk's office.

§ 14. No public road shall be established or discontinued, or the location thereof changed without due notice thereof having been given according to the provisions of this chapter.

§ 15. All bids for work to be let to contract made under the provisions of this chapter, whether for construction or maintenance, shall be received at the time and place specified in the advertisement and shall be opened publicly at the time of letting and the amount and items comprising each bid shall be publicly announced and the contract, if let, shall be to the lowest responsible bidder who shall furnish satisfactory security in an amount equal to the amount of the contract in question, to be approved by the County Judge of the county. The court may as protection to the county, reserve from payment twenty per cent of the amount accruing on said contract until the completion of said work and the

same is approved by the county road engineer. The court may rejecvt any and all bids and if thought advisable, may re-advertise for and receive bids.

§ 16. All notices and advertisements for the establishment, alteration or discontinuance of any road, bridge or landing, and all notices or advertisements for sale of public road or bridges to be let to contract under the provisions of this chapter, whether for construction or maintenance, shall, unless otherwise provided, be published for at least two consecutive weeks next preceding the date for receiving bids for building or repairing public roads or bridges, or the filing of a petition for the establishment, alteration or discontinuance of a road, at least once in each week in the newspaper of largest general circulation, or if there be no newspaper published in the county then by hand bills posted for fifteen days, one at the courthouse door and one in five or more other public places in the vicinity of the road or roads affected. It shall be the duty of the county road engineer to do the advertising herein mentioned, and he must file with the county clerk an affidavit showing the manner in which this section of the law has been observed. Upon failure to comply with this section the county road engineer shall be guilty of a misdemeanor and upon conviction by any court of competent jurisdiction, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

§ 17. With the consent of the owner or owners of the land in which a change of location is proposed to be made given in writing, setting forth the exact changes proposed, which must be entered in the form of an agreed order book of the County Court and subject to the approval of the County Judge, the county road engineer may change any public road in his county, except in the case of State aid roads and turnpikes as provided in Section 19 of this chapter: Provided, such

change does not materially increase the length or grade or require more work to keep the road in repair, or place the same on worse ground than it was before such change, or render the said road in any respects worse than it was before the change. Any county road engineer who shall make such change otherwise than prescribed in this chapter shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars, and in case the county road engineer shall make such change in violation of the provisions of this section, the part of the road thus altered shall not be established as a public road, and the former location shall be continued as such.

§ 18. The County Court of the county may, upon petition, direct any public road, bridge, or landing other than a turnpike, bridge, or landing in which private citizens may hold a majority of the stock, or any road in which the State shall hereafter invest money according to any plan of State aid, to be discontinued, but notice of every such petition must be published according to the provisions of Section 16 of this chapter, and in addition, notices must be placed at three public places in the vicinity of said road or landing. Upon such petition, after notice given as aforesaid, the County Court shall appoint two viewers who, together with the County Road Engineer, shall view such road or landing and report in writing, whether in their opinion, what inconveniences, if any, would result from discontinuing same. Upon such report and other evidences, if any, the court may discontinue the road, bridge or landing, taking care in every case, if an established post road, not to discontinue the same until another has been established, and in case of a road which may have been estblished by means of State aid the consent of the State Commissioner of Public Roads must

have been obtained in writing, setting forth the changes allowed.

§ 19. When any person desires the establishment or alteration of a public road, bridge or landing in any county, or a public road leading from the main road or roads, he shall petition the County Court of the county in which such road, bridge or landing is situated, setting forth in his petition specifically the nature and location of the proposed work, and the court shall thereupon appoint two viewers, who, together with the County Road Engineer shall view the ground and report in writing the advantages and disadvantages which, in their opinion, will result as well to individuals as to the public from the proposed work and the grades and bearings of the proposed road, and the facts and circumstances that may be useful to enable the county court to determine whether such work ought to be undertaken by the county or if the petition be for the establishment or alteration of the public road leading from the main public road or roads, whether such road should be established, stating specifically whether it would be necessary to take any burying ground, garden, yard, orchard or any part thereof, or to injure or destroy and buildings, and the probable cost of the work, the names of the land owners whose property would have to be taken or injured, which of them would require compensation and the probable amount to which each of them would be entitled. They shall make careful examination of other routes or locations than that proposed or petitioned for, keeping in view at all times the possible future development of the county and the accommodation of the general traveling public, and shall report in favor of the one they prefer, with the reasons for the preference.

A map giving the grades and bearings of the routes or locations shall be returned with the report.

In any case where it shall appear to the County Court that the interest of the general public may be furthered thereby, the County Court shall personally examine the proposed work. But in no case shall the County Court alter or change the location of any road in which the State shall have invested any money, according to any plan of the State aid, without the consent of the State Commissioner of Public Roads. If the court decides to undertake the proposed work, the County Judge shall appoint a day for hearing the parties interested and cause notice thereof to be given to the proprietors and tenants of the property which would have to be taken or injured, to show cause against the same. Process shall be issued by the clerk of the County Court against all interested parties and he will issue a waring order upon proper affidavit against any non-resident and make such against persons under disability as provided in the Civil Code of Practice.

§ 20. If the court at any time has sufficient evidence before it to enable it to ascertain what would be a just compensation to the proprietors and tenants, and if such proprietors and tenants are willing to accept what the court deems just, the said court upon such acceptance, being reduced to writing and signed by the proprietor and tenants, may determine to undertake the work.

§ 21. Upon hearing the parties interested in an application for a public road, said County Court shall decide for or against undertaking the proposed work on behalf of the county. If the court decides in favor of the establishing, alteration or discontinuance of the same, and the compensation to be paid to any proprietor or tenant cannot be fixed by agreement, the court shall appoint three impartial housekeepers of the county as commissioner to assess damages, the owner or tenant may be entitled to receive, who shall be

sworn to faithfully and impartially discharge their duties according to law; Provided, that in case of road beds or a portion of same, washing or slipping away, or in case of extreme emergency, and when in his judgment conditions warrant it, the County Court may immediately open and have surveyed a road or passway to be temporarily used while the commissioners are acting, or while the matter is pending in the court to establish a permanent road or passway, and said commissioners shall assess the damages for said temporary road or use of same. The same proceedings shall be had to recover same as in said recovery in regard to other roads. But when such compensation shall be so ascertained it shall be at the option of the County Court to pay the same or abandon the proposed undertaking. If it decides to pay the same the Fiscal Court of the county shall include in its next levy an amount sufficient to pay the same. On any case where the petition is for the establishment or alteration of a public road leading from the main public road or roads, the court may refuse to undertake the proposed work, or abandon the same after having undertaken it unless the petitioner or some one for him, shall deposit with said county court a sufficient sum to pay all damages and costs sustained by reason of the establishment or alteration of such road.

In such case, if it deem proper to do so, the court may establish any such public road upon the condition that the petitioner shall pay all costs and damages as aforesaid, and make and keep in repair such road, and the court may also impose upon such petitioner, his heirs and assigns and upon the public such other conditions in reference to such road as the court may deem just.

§ 22. When it is necessary to build or repair a bridge within the county the Fiscal Court of the county may contract for the same, or any part thereof, provided the value

does not exceed five hundred dollars, without plans and estimates being furnished by the State Commissioner of Public Roads, but when the value exceeds five hundred dollars the Fiscal Court shall then contract only upon plans and specifications and estimates furnished by the State Commissioner of Public Roads, on such terms as may be agreed upon, and in either case take bond and security from the contractor for the faithful performance of his contract, and pay for the work in whole or in part, out of the county treasury or by issuing bonds or other evidences of debt for the amount as may be agreed upon. The County Engineer shall advertise for bids as required in Section Sixteen regardless of the size or cost of the proposed bridge. Provided, This section shall only apply to roads or bridges constructed with aid of State funds.

§ 23. In like manner the Fiscal Court of any county may contract and pay for making, improving and keeping in order, the whole or any part of the county roads within the county. They may permantly improve by the use of asphaltum brick, stone, block or by macadamizing or other process of equal merit, the main roads within their county, and may contract therefor with any contractor for the use of these foregoing systems and take the bond and security in a penalty equal to the estimated cost of the work in question from any such contractor for the faithful performance of his contract.

§ 24. They may pay for the work done under such contract in whole or in part out of the county treasury by special levy to be laid, or by issuing bonds or other evidence of debt for same, as is provided for in the following section of this chapter.

§ 25. The Fiscal Court shall have the power and authority to issue and sell bonds from time to time within the constitutional limitations for the purpose of building, constructing and maintaining public roads, said bonds to bear interest not to exceed six per cent per annum, with coupons attached, payable semi-annually, these bonds to be in denomination of not less than one hundred dollars or more than one thousand dollars, to run not more than thirty years, and to be redeemed within that time at the pleasure of the court and to be sold at not less than par value. Before the bonds authorized under this Act, except such as those mentioned in Sections 22 and 24, shall be issued, the County Court of the county, upon the petition of fifty legal voters who are freeholders of the county, shall at the regular term thereof, after receiving said peition, make an order on his order book directing an election to be held in said county on some day named in said petition not earlier than sixty days after said application is lodged with the judge of the said court, which order shall direct the sheriff of the county to advertise said election and the objects therefor for at least thirty days next before the day thereof in some newspaper having the largest circulation in the county and also by printed hand bills posted up at not less than four public places in each voting precinct in the county, and at the courthouse door. All legal voters of said county shall be privileged to vote at said election. The same officers that hold the regular election shall hold this election. The question, "are you in favor of issuing ..... in bonds for the purpose of building roads?" being printed on the ballot as provided for in the general election law, Section 1459, Kentucky Statutes. Provided, however, that all money raised by the sale of bonds shall be used solely and alone for the construction and reconstruction, maintenance of turnpike, macadamized, gravel roads, and bridges.

If two-thirds of the legal voters voting on said proposition vote in favor of the proposition, then said Fiscal Court shall issue bonds as provided herein, and said bonds shall be exempt from all taxation.

§ 26. If bonds are sold to enable the Fiscal Court to build or construct or reconstruct, or maintain roads, the Fiscal Court shall levy a tax, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county, which shall be collected as other county taxation, and appropriated as follows: (first) to the payment of the interest on the bonds, (second) the balance to be placed to the credit of a sinking fund for the redemption of said bonds.

§ 27. When it becomes necessary to build or repair any bridge across any stream on the line between two counties, or to construct or improve according to any plan of State aid, or to keep in repair any road or roads between two counties, or along the boundary line there of, the Fiscal Courts of such counties may enter in such agreement therefor as to them shall seem best, but if they disagree in relation thereto, it shall be the duty of the Fiscal Court of each county to appoint two special commissioners, who, together with the county engineer of each county, shall meet and arrange the matter, and if they should disagree, they shall call to their aid one or more special commissioners from another county to assist them in their decision, and whenever a decision is arrived at, and if it is confirmed by the court of each county, sitting separately, it shall be binding. If the Fiscal Court of any county, upon being requested to do so, shall fail to appoint commissieners, or if either court shall fail in any respect to fulfill its part of the agreement with respect to work, the remedy by mandamus, shall lie before the Circuit Court of the county whose Fiscal Court is complained of on

behalf of the Fiscal Court of the other county, and the Circuit Court shall compel the Fiscal Court complained of to do what ought to be done in the matter.

§ 28. If the Fiscal Court shall determine to make the improvements, they shall have prepared plans and specifications of such work, and shall advertise for bids, as provided in Section 16 of this chapter in each of the counties, and the contract shall be awarded to the lowest responsible bidder who shall furnish satisfactory security to be approved by the County Judge and said Fiscal Courts voting separately, shall approve of the plans and specifications and shall jointly award the contract.

The commissioners appointed by the Fiscal Courts as provided in Section 22 of this chapter, together with the County Road Engineer of each of the counties shall constitute a joint committee and such joint committee shall receive the bids at the time and places specified in the advertisement, and shall open and publicly announce the items comprising each bid according to the provisions of Section 15 of this chapter, and the members of the committee from each county shall forthwith report such bids to their respective Fiscal Courts for action thereon.

§ 29. The contract for said work shall specify such share or portion of the costs thereof to be borne and paid by each Fiscal Court, and each county shall be severally liable for such share or proportion. The cost of said work is to be borne as proportions to the total assessed value of each county.

§ 30. If in the opinion of said Fiscal Courts or either of them it be determined, by resolution passed by either of said courts separately, to place in the tax levy for any one

fiscal year its share or proportion of the cost of acquiring said lands, doing the work and making the improvements herein authorized, would be too burdensome on the taxpayers of such county or counties, then it shall be lawful for such Fiscal Court to issue the bonds of such county according to law to raise the funds wherewith to defray the cost aforesaid.

§ 31. After the completion of the work, the improvement so made shall be maintained by the Fiscal Court or other authorities of the counties or other political divisions joining in the improvements, who shall bear and pay the same share and cost of maintenance and repair that they severally bore toward the cost of improvement.

§ 32. Whenever a road in this State runs in or through two or more counties and said counties engage in the maintenance and operation thereof in its entirety at joint expense, it shall be lawful for the Fiscal Courts of such counties to pass resolutions separately by each court stating that public necessity demands the improvement of such road in its entirety or portion thereof, and requesting that it be constructed or improved according to some plan, for the permanent improvement of the public roads by State aid. In such event the Fiscal Courts of the counties shall proceed jointly, in like manner and effect as may be provided by law for counties to apply for and receive State aid.

§ 33. Whenever any road or section of road located in any magisterial district in this State has been or shall hereafter be permanently improved, without State aid, if the construction thereof be a macadamized road or a telford or other stone or brick or gravel road so that the same, of whatever materials constructed, shall with reasonable repairs thereto, be firm, smooth and convenient for travel at all

seasons of the year and approved by the State Commissioner of Public Roads, such public road, or section of road, upon the petition in writing of twenty-five legal voters of the magisterial district wherein such public road or section of road so improved lies, addressed to and filed with the County Court of the county within which the district is situated, accompanied by a map or survey of the public road or section of road so improved, and a copy of the specifications under which such improvements were made, together with proofs showing payment to the contractors for all work done may be by said County Court by order and declared to be a county road, if in the judgment of said County Court said road is of sufficient public importance and such road or section of road shall, upon acceptance forever thereafter be a county road and subject to the exclusive jurisdiction of said Fiscal Court in the same manner as roads, built by State aid, and the duty of keeping the same in repair shall devolve exclusively upon the Fiscal Court. More than one public road or section of road in the same district may be included in one petition.

§ 34. The Fiscal Court of the county may cause such of the public roads as are of greatest benefit to the citizens of the county to be divided and laid out in sections of not more than two miles in length, the contract for constructing and repairing and keeping in order of which it shall let out to the lowest and best bidder, who shall give bond and security in such amount as the County Judge may determine, to be approved by the County Judge and the expenses of construction and keeping in repair of any road so laid out and divided shall be provided for by a poll tax of one dollar to be laid on all male citizens of the county who have attained the age of twenty-one years, and a tax not exceeding twenty-five cents on each $1000 taxable property levied and collected upon

all the property of the county taxable for State and county purposes.

§ 35. When any joint stock company incorporated in this State shall have been formed to construct a turnpike, road or bridge, wholly or in part in any county, the Fiscal Court of such county may subscribe for, take, hold and dispose of stock in such company under the regulations and subject to the restrictions prescribed by law, such subscriptions not to exceed $100 for each mile of turnpike and thirty per cent of the cost of such bridge.

§ 36. No tolls other than for the maintenance of such road or bridge shall be charged or collected for the traveling upon any of the public roads or over any of the public bridges of this State except those which are now collecting such tolls according to the laws of this State.

§ 37. A collector of tolls on any turnpike authorized by law to receive tolls shall not allow any person, animal or vehicle to pass on such road until the lawful toll be paid. If any person or animal or vehicle pass a toll gate on such roads, or other proper place for payment, without paying or tendering the toll, or if any person misrepresents the distance he may have traveled on such road, such person in possession of such animal or vehicle shall be fined not exceeding five dollars, and the like penalty shall be incurred when any person, animal or vehicle subject to toll is passed through any private gate, barn or fence for the purpose of evading the payment of toll.

Whosoever shall defraud or attempt to defraud the company by evading or attempting to evade the payment of toll

for crossing a bridge, or aid another to do so, shall, for every such offense, upon conviction, be fined $10.00.

Whoever shall obstruct, or cause to be obstructed, any walk or driveway to or upon a bridge, or shall loiter upon or about the entrance upon the same, or in any wise interfere with the gate keeper or passengers upon a bridge, shall, upon conviction, be fined $10.00.

A gate keeper on any toll bridge shall keep such money of small denominations on hand, as may be reasonably required in the ordinary course of the business, for making change for passengers, and it is the duty of passengers to offer money for passage of a demonination as nearly as possible to the amount charged for such passage.

This section shall not apply to persons having a lawful right to pass on such roads without the payment of toll.

§ 38. If any person without authority from the superintendent of said road, or person acting as agent thereof, shall remove, injure or deface any of the milestones or posts, parapets, walks, culverts, bridges, masonry of any kind, gates or toll houses belonging to said road authorized by law to receive tolls, or shall turn any stream of water from its regular course toward or upon such road as to injure the same or shall obstruct any of the gutters, drains or culverts of such road, or shall connect any public or private road with such road without securing such road from injury by reason of such connection, or by the flow of water at the place of such connection, or shall place or leave on such road any earth, ashes, stone or other obstructions to the use and travel of such road, or shall so place or leave thereon any vehicle as to interfere with such travel, shall be deemed guilty of a

misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars.

§ 39. On all turnpikes now owned, wholly or in part by individuals or corporations in this State, tolls not exceeding the following rates may be received in every section of five miles which has been completed, to-wit: For a single horse, mare, gelding, mule or jennet, in addition, one cent, if the same be not hitched to any vehicle; for twenty sheep or hogs, five cents; and for twenty cattle, ten cents, and so on in proportion for a greater or less number; for a riding carriage, whether two or four wheeled, if the road be a macadamized road or a brick road or some other permanently improved road, ten cents; but if not macadamized or not a brick road or other permanently improved road, five cents; and for a cart or wagon, if the tires of the wheels are less than four inches wide, three cents for each animal drawing it; for automobiles, fifteen cents; and for motorcycles, ten cents; and for motor driven vehicles, fifteen cents. For a fractional part of a section, tolls may be received bearing the same proportion to the tolls for a full section that the said fractional part bears such full section. Provided, That when the toll from the fractional part would be less than one cent they may charge and receive one cent. Provided, further, that all coaches, carriages, vehicles and horses used by persons going to and from divine worship, funerals, schools and grist mills for the purpose of having grinding done, shall be exempt from tolls.

§ 40. The said tolls may be demanded and collected of every person passing the toll gate, whether he shall have traveled the whole or only a part of the section or fractional part. Provided, That the said toll road or turnpike shall be made so as to conform to the following specifications. All

roads or turnpikes shall have a smooth roadbed of not less than ten feet in width; exclusive of ditches and shall be well side ditched and drained. All cross-drains shall be underdrained or riprapped when necessary. All running streams requiring bridges of fifty feet in length or less, and such others as the Fiscal Court of the county may direct, shall have a bridge or culvert across same sufficiently strong and sufficiently wide to insure safe passage to all kinds of vehicles; Provided, further, that no toll shall be collected unless such toll road or turnpike be constructed in accordance with this section.

§ 41. That whenever the collection of tolls for traveling over or upon and toll road or turnpike has been abandoned by any county, person, company or corporation, or is prevented by law or by final order of any court having competent jurisdiction or whenever any of the main public roads are improved under the provisions of Section 23 of this chapter, it shall be the duty of the Fiscal Court of the county wherein such road or turnpike, or any part thereof, is located, to keep the same macadamized and piked, and in good repair, and shall pay for the work and all expenses incident thereto, out of the county treasury.

Any person or persons who may desire to do so, may build a side-walk, composed of gravel, concrete or other suitable material, along the side of any public road in this State: Provided, That the sidewalk does not exceed thirty-six inches in width and that the construction and repairing of the same and the use thereof, shall be without expense of any kind to the public or to any person who may want to use the same: And, provided further, that all persons who may desire, be permitted to use the same, and that said sidewalk does not in any way interfere with the traveling public on any public

road, or the passing on or over by the traveling public to or from their places of business: Provided, further, that if it is desired to build any such walk in a city or corporate town, the consent of the council of such city or town shall be obtained before such walk is built.

Any person or persons who shall, in any manner destroy, take up, or in any way injure, any sidewalk, already constructed or that may hereafter be constructed according to the provisions of the foregoing section, and shall fail to repair the same, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than four nor more than fifty dollars.

§ 42. The County Court of a county may, upon petition, permit gates to be erected across any county road therein, or cause any gate erected across any county road, therein, or cause any gate erected across any county road to be removed, but notice of every petition for that purpose shall be first advertised according to the provisions of Section 16 of this chapter and notices shall be posted at three places in the vicinity of the gate proposed to be erected, or removed at least three weeks before the meeting at which such order is made.

§ 43. If a Fiscal or County Court wilfully fail or refuse to perform any duty required of such court by the provisions of this chapter, every member of such court concurring in such failure or refusal shall be guilty of a misdemeanor and upon indictment and conviction thereof before the Circuit Court of the county shall be fined not less than ten nor more than one hundred dollars at the discretion of the court.

§ 44. It shall be the duty of the clerk of the County Court to keep on convenient file or in books prepared for such

purposes, a complete record of all titles to rights of way, all maps, plats and surveys and all discontinued sections of public roads within the county, which are now, or may hereafter be reported to the county.

§ 45. The owner or occupier of every dam shall, as far as the road passes over the same, keep such dam in good order, at least fourteen feet wide at the top; and also keep in good order a bridge of like width over the pier head, flood gates or any waste cut through or around the dam and to erect and keep in good order a strong railing on both sides of such bridges or dam. If he fails to comply with this section he shall pay a fine for every twenty-four hours' failure, of two dollars; and where a mill dam is carried away or destroyed the owner or occupier thereof shall not be thenceforth subject to such fine until one month after the mill shall have been put in operation. And every owner of a dam thereafter built, which dam by the backing of the water or otherwise obstructs and public road, or any race or ditch connected therewith shall materially obstruct any such road, shall, whenever it may be necessary for the safe and convenient crossing of the same, of the pond created thereby, build and keep in repair over and across the said dam, pond, race or ditch, a bridge of like kind and description as hereinbefore specified, and for the failure to do so every owner or occupier shall be fined as hereinbefore provided.

§ 46. Any person owning land upon a water-course may erect a wharf on the same, or a pier or bulkhead in such water-course opposite his land, so that the navigation be not obstructed thereby, and so that such wharf, pier or bulkhead shall not otherwise injure the private rights of any person But the county court of the county in which such wharf, pier or bulkhead shall be, after causing ten days notice to be given

to the owner thereof, its intention to consider the subject, if it be satisfied that such wharf, pier of bulkhead obstructs the navigation of the water-course or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

§ 47. Any person desiring the privilege of erecting a wharf at or on any public road may present a petition to the court of such county for such privilege; but notice of the petition, or of his intention to present the same, must be posted at the front door of the courthouse, and at three public places in the district in which it is proposed to erect such wharf, three weeks at least, before the petition is acted upon. The said court, upon petittion and notice, may grant such privileges upon such conditions and limitations and fix such rates and charges for wharfage as it sees fit. But it may at any time afterward upon ten days' notice to the owner of such wharf, or his tenants, revoke his privilege or alter such conditions or limitations or regulate the rate of charges.

§ 48. There is hereby created in the several counties of the State of Kentucky the office of County Road Engineer.

The county judge of each of the counties in this State shall within thirty days after this law becomes operative, on or before the first day of October, nineteen hundred and twelve, and every two years thereafter, appoint a County Road Engineer, who shall be either a graduate in civil engineering from some reputable technical institution or shall have passed a creditable examination before the State Commissioner of Public Roads or one of his representatives, and have received a suitable certificate as to qualification from the Commissioner of Agriculture. The State Commissioner of Public Roads shall from time to time as required give ex-

aminations to persons who desire to qualify themselves for the office of County Road Engineer, and shall report the names of all successful candidates examined to the Commissioner of Agriculture who shall then grant to such persons a suitable certificate showing their elgibility to the office of County Road Engineer.

The Commissioner of Public Roads will examine applicants desiring to qualify themselves for the office of County Road Engineer in the following subjects: Leveling, surveying, earthwork, computations, theory and practice of road building, trigonometry, specifications and contracts.

Such County Road Engineer, except the first, as appointed shall serve for a period of two years from and after the said first day of October, and until his successor is appointed and qualified. The term of the first one appointed, regardless of when appointment was made, shall expire October 1, 1914.

Vacancies in the office of County Road Engineer shall be filled by appointment for the unexpired term by the county judge of the county. The County Road Engineer shall receive such compensation either by salary or per diem as may be fixed by order of the Fiscal Court of the county at a reasonable sum. Should the Fiscal Court refuse to fix a salary for the road engineer, or if same be considered inadequate, he shall have the right to appeal to the Circuit Court of the counties.

The county surveyor of the county elected at the last preceding general election may receive such appointment provided he be competent as provided by this chapter and for such services he shall receive the compensation fixed by the

Fiscal Court as provided in this section in lieu of all fees except such fees as are allowed by the law for his services as county surveyor.

It shall be the duty of the county clerk to give written notice to the appointees provided in this chapter, of their appointment as soon thereafter as praticable, and each person appointed shall, within ten days after having been notified of such appointment, qualify by giving such bond as the court may direct for the faithful performance of his duties, and shall also take oath to well and truly perform the duties thereof.

§ 49. The County Road Engineer shall have office rooms at the county seat of the county, he shall see that the contractors work such roads and receive State aid according to the direction of the State Commissioner of Public Roads in the survey of such roads of his county, indicating the necessary changes to be made therein, and making maps of the work.

The County Road Engineer may be removed at any time by the County Judge of the county upon his own volition or upon complaint of the Commissioner of Public Roads, for incompetency, malfeasance or misfeasance in office upon written charges, after a hearing of which ten days' notice shall be given by serving a copy of such charges upon such County Road Engineer.

Such hearing shall be heard at the courthouse, in the county seat. If upon such hearing it appears that such charges are sustained the County Judge of the county shall remove such County Road Engineer and forthwith serve notice thereof by mail on the County Road Engineer. Such no-

tice shall state specifically the grounds for such removal. The record of the proceedings upon such hearing shall be filed in the office of the county clerk.

§ 50. The County Judge of the county shall, within ten days after such removal, appoint a County Road Engineer to fill the vacancy caused by such removal. The person so appointed shall hold office for the unexpired term or until a judgment or a final order of a court of competent jurisdiction determining that the original County Road Engineer was wrongfully and illegaly removed, and directing his reinstatement be rendered.

§ 51. If any County Road Engineer neglects or refuses to perform the duties of his office, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars, and shall be subject to the same penalty if he refused or neglects to cause contractors to perform their duties as provided in this chapter.

§ 52. The County Road Engineer appointed as provided in Section 48 of this chapter, shall co-operate with the State Commissioner of Public Roads, as to the roads receiving State aid, and at the same time act as the agent of the County and Fiscal Courts of the county for which he was appointed. He shall, subject to the rules and regulations of the State Commissioner of Public Roads as to roads receiving State aid, or of the County or Fiscal Court of the county have general charge of all public roads and bridges within his county excepting turnpikes or bridges owned by or maintained and operated wholly by some citizens or company, and as otherwise expressly provided in relation to incorporated cities, towns and villages or other localities, and shall see that same are improved, repaired and maintained as pro-

vided by law, and have the general supervision of the work of construction, repairing and improving public roads and bridges in his county; superintend the construction and improvement made upon the roads and bridges under the provisions of this chapter, and other work of like nature undertaken by the County or Fiscal Court of the county, and shall make reports thereon from time to time as the County or Fiscal Court may direct; advise and direct those employed by the various contractors how best to repair, maintain and improve such roads and bridges, examine the various formations and deposits of gravel and stone in his county for the purpose of ascertaining the materials which are most available and best suited for the improvement of public roads therein; and when requested by the State Commissioner of Public Roads, submit samples of such materials and deposits and make a written report in respect thereto, establish or cause to be established, such grades and recommend such means of drainage, repair and improvement as seems to him necessary, whenever requested by the Fiscal Court. Approve plans and specifications and estimates for the erection and repair of bridges and the construction and maintenance of public roads, report to the State Commissioner of Public Roads annually on or before the first day of July in each year in relation to the roads and bridges in his county having received State aid, containing such matter and in such form as may be prescribed by the Commissioner.

Additional reports as to roads receiving State aid shall be made from time to time when requested by the Commissioner in respect to such matters as may be specified by him.

Whenever a public meeting in the interest of good roads for a county or district shall have been called by the State Commissioner of Public Roads, the County Engineer shall

cause due notice to be given through the public press as is provided in this chapter for the advertisement of roads to be let to contract.

Inspect, or cause to be inspected, if so directed by the County Judge, each public road or bridge during its construction or improvement, and certify to the Fiscal Court the progress of the work and whether or not the work is being carried on according to law and report to the Fiscal Court any irregularity of the contractor or failure on his part to comply with terms of the contract; and perform such other duties as may be prescribed by law or the rules and regulations of the State Commissioner of Public Roads relative to roads receiving State aid.

§ 53. By and with the advice and consent of the County Judge, the County Road Engineer shall employ such agent or agents in the different road precincts of the county as may be necessary to carry out the provisions of this chapter, and may summarily discharge such employees at pleasure; such employees shall perform service upon the public roads of the county in whatever station employed, according to the direction and in the manner prescribed by the County Road Engineer. Such employees may receive such compensation per day as may be agreed upon with the County Road Engineer, subject to the approval of the County Judge. Provided, that every able-bodied man employed under the provisions of this chapter for service on the public roads shall receive the prevailing wages of the vicinity in which the work is to be done, which shall not be less than one dollar nor more than two dollars per day according to services rendered, except in the case of assistant engineers required for special work, who shall receive not more than five dollars per day.

§ 54. It shall be the duty of the County Road Engineer, within thirty days after the first day of January next after his appointment, if ordered by the County Court, and every year thereafter, when so ordered, to lay out and divide or cause to be laid out and divided, all the county roads in the county into sections not exceeding two miles in length, which he shall number and describe in a book kept by him for that purpose. He shall distinctly specify therein what he shall deem necessary for the improvement and keeping in repair each section of said county road for the period of one year and may also recommend the establishment and construction of such roads as he may think for the benefit of the general public.

§ 55. It shall be the duty of the County Road Engineer to call a meeting in each magisterial district in his county, each year, of all persons interested in road work within the district. Such meeting shall be open to the general public and shall be held at a time designated by the County Road Engineer, between the twentieth day of February and the thirtieth day of March.

Notice of all letting of contracts shall be given by posting of hand bills at not less than two of the most public places of each road precinct, and by advertising in the county paper having the largest circulation in the county, as provided in Section 16.

All bids made in the manner and form provided for in this act shall be opened by the County Judge in the presence of the members of the Fiscal Court of the county at a special meeting held for that purpose, and the Fiscal Court of the county shall have the right to reject any bid that may be

deemed by them too high, or may be objectionable for any other good reason.

§ 56. If any section or sections be not let under the provisions of this act, for want of a bidder or because of rejection of any bids as provided for in this chapter, it shall be the duty of the County Road Engineer to again advertise for bids and if upon second attempt no bids are received, he may let such sections or new roads at private contract, or have them kept in repair or such new roads opened as provided in this chapter or in any other manner the County Court may direct.

To this end he may employ and procure all necessary hands, horses and material for the proper discharge of his duties, at such compensation as the County Court may determine according to the provisions set forth in this chapter. Provided, that bids shall be advertised for, received and opened, as herein provided for all supplies, tools and teams necessary for the completion of such work.

It shall be unlawful for any County Road Engineer to appoint or employ under the provisions of this section, as a laborer on the public roads, his father, son, son-in-law, grandson brother, brother-in-law, nephew or first cousin by blood.

Each County Road Engineer shall report to the Fiscal and County Court at each regular term thereof and at such other times as the court may require, a full itemized statement of the expenditures made by him since his last report, giving number and names of hands and number of horses employed by him, the time each was employed, the amount paid to and for each, and to such other matter as he may deem necessary or the court may require. Such statements of accounts shall first have been prepared according to the

public accounting laws of the State, and have been certified to by the agent or agents of the County Road Engineer having charge of the work.

§ 57. Any contractor may contract for one or more sections of road, and in purchasing a contract or contracts at any sale herein provided for, shall give bond with security to be approved by the County Court of the county in a sum equal to the estimated cost of the work in question, to be fixed by said court, for the performance of every contract so purchased, and further conditions to require that every such contractor or contractors shall put his section or sections in good repair on or before July the first of each year and keep the same in good repair.

§ 58. It shall be the duty of the contractor or contractors to sign his name or their names, as the case may be, and write the sum he or they shall receive for repairing his or their section or sections in the book kept by said County Road Engineer mentioned in Section 56 of this chapter under the description thereof, and it shall be the duty of any contractor or contractors to keep his or their section or sections in repair in conformity to the contract.

§ 59. If any citizen of a road precinct complain to the County Road Engineer thereof, that any contractor or contractors therein have neglected or refused to keep his or their section or sections of road in repair in accordance with the specifications, it shall be the duty of said County Road Engineer to cause examinations to be made within five days after such complaint shall have been made, and if, upon such examination he deems the complaint well founded, shall give notice thereof in writing to the party so complained of, and he shall accompany said notice with a request that the party

so complained of shall, either in a reasonable time thereafter, put his or their section or sections in repair in accordance with the specifications; and if the said contractor or contractors shall neglect or refuse to repair the same, it shall be the duty of the County Road Engineer to cause the same to be put into repair, and the cost of repair shall be deducted from any money or moneys allowed the contractor or contractors for opening and keeping in repair such section or sections and the Fiscal Court shall issue a warrant on the sheriff or treasurer for such amount of money certified, and in favor of such person or persons as shall have been employed to put such section or sections in repair. And if the amount under the control of the court as aforesaid is not sufficient to pay for the repairs so caused to be made by the County Road Engineer then the additional cost thereof shall be recoverable from the contractor or contractors by said County Road Engineer as other claims of equal amounts are now recoverable by law.

§ 60. All claims of any contractor, contractors or others which may, under the provisions of this chapter, be due to such contractor, contractors or other persons, shall, when certified to by the County Road Engineer, be presented to the County Court, and if it be found correct, shall, upon the order or warrant of said court, signed by the judge thereof, be paid by the treasurer or sheriff. Provided, further, that it shall be the duty of the County Road Engineer to furnish the Fiscal Court, at its October session each year with a certified statement showing an itemized account together with the vouchers for all expenditures made during the year. Provided, that no County Road Engineer shall certify the claims of any such contractor or contractors until upon examination, he shall find that the provisions of the contract have been strictly complied with.

§ 61. It shall be the duty of each County Road Engineer to see that all the roads in his county heretofore established, or that may hereafter be established as public roads, are put and kept in as good repair as may be, within the means at his command as herein provided. He shall cause such roads and bridges to be kept in repair and free from obstructions and cause the public roads and bridges within the county to be inspected every six months, and at such other times as the County or Fiscal Court may prescribe, and if he finds that any contractor or contractors have neglected or refused to fulfill his or their contract or contracts, he shall give notice thereof and enforce same in the manner provided in this chapter; cause to be constructed and kept in repair sluices and converts and cause highways, bridges and culverts to be kept open; cause loose stones lying in the beaten track along the public roads to be removed at least one time in each year, between the first day of April and the first day of June. The stones so removed shall be carried to some place from which they will not work back or be brought back into the track by road machines or other implements used in repairing the roads.

Cause noxious weeds growing by the bounds of public roads to be cut down in the month of August.

Cause such roads as shell have been laid out but not sufficiently described, and such as shall have been used for public roads for a term of ten years, but not recorded, to be ascertained, described and entered on record in the County Clerk's office of the county.

Cause to be opened and make all new county roads and alterations of former roads, ordered by proper authority.

Cause to be made and placed at the forks or crossings of every county road, when ordered by the County Court, a guide board, on which shall be stated in plain letters the most noted places to which each road leads and number of miles thereto.

Across every stream where it is necessary and practicable, he shall, when directed by the Fiscal Court, cause to be placed and kept a sufficient bridge, bench or log for the accommodation of foot passengers. Where any important bridge is necessary, and it is practicable for the Fiscal Court to have it constructed with the money which is at its disposal, he shall cause it to be made safe and convenient and at least fourteen feet wide, with a railing not less than three feet high on each side.

When a public road is suddenly obstructed by the falling of rock or timber, landslides or other cause, or a public bridge is from any cause rendered unsafe if the section of road obstructed or the bridge rendered unsafe, is under contract for continuous maintenance as provided in this chapter, he shall immediately give notice thereof to the contractor or contractors on whose section of road the obstruction may be, whose duty it shall be within twenty-four hours, or as soon as practicable thereafter to remove such obstruction, and in case it has been made by the contractor or contractors within said twenty-four hours to remove said obstruction he shall immediately employ such persons, machinery and teams as may be necessary and without avoidable delay, cause the obstruction to be removed from the public road, or the bridge to be made safe, and the cost thereof shall be recoverable from the contractor or contractors aforesaid as provided in Section 59 of this chapter. But if the said section of obstructed road be not under this

contract the said County Road Engineer shall immediately remove the obstruction in like manner, and the cost thereof shall be a charge made payable by the County Court out of the county road fund of the district.

Cause all roads having or to receive State aid, which are to be constructed or improved as public roads to be inspected when directed by the State Commissioner of Public Roads and all other roads when so directed by the County Court for the purpose of securing preliminary information to be used in preparing the plans and specifications for such roads and mark, or in some substantial way designate the portion of such roads as may need special care and attention. He shall report to the County Court or the State Commissioner of Public Roads, as the case may be, the condition of such road, and submit therewith such recommendations with respect thereto as may seem expedient.

Report annually to the State Commissioner of Public Roads on such dates as may be prescribed by him, prior to the first day of September, in relation to the roads and bridges in the county, having or to secure State aid, containing the matter and in the form to be prescribed by the Commissioner.

The County Court or the State Commissioner of Public Roads may require additional report on such roads whenever it seems to either of them to be necessary. He shall attend public meetings called by the State Commissioner of Public Roads, held winthin the county after receiving notice thereof.

§ 62. The Fiscal Court may purchase for the use of the county, stone crushers, road rollers, traction engines, road machines for grinding and sraping tools and other in-

struments, which shall be paid for from moneys levied and collected and belonging to the county road funds, or from the proceeds of bonds issued and sold for such purposes as provided by law. The County Road Engineer shall advertise for bids as hereinbefore provided.

No contract for the purchase of stone crushers, road rollers or traction engines shall be valid unless the Fiscal Court shall have approved the same and endorsed its approval on such contracts by the signature of the County Judge and the clerk thereof.

All road machinery shall be under the care of the County Road Engineer, and shall be cared for by him at the expense of the county to which they belong.

He shall cause to be made annually, written inventory of all such machinery, tools and implements, indicating each article, and the value thereof, and the necessary cost of all repairs, thereto and deliver the same to the county clerk of the county on or before October 1st, in each year, and shall, at the same time cause to be filed with the county clerk his written recommendation as to what machinery, tools and implements should be purchased for the use of the county, and the probable costs thereof. He shall provide a proper place or places for housing and storing all machinery, tools and implements owned by the county, and cause the same to be stored therein when not in use.

§ 63. He may, with the approval of the County Court, lease or hire stone crushers, road rollers, traction engines, etc., that shall not exceed five dollars for the stone crushers, and seven dollars for a traction engine or road roller, for each day that the stone crusher, steam roller or traction en-

gine is actually in service upon the public roads. The expense thereof shall be paid by the Fiscal Court in like manner as other such claims are paid by it out of the moneys belonging to the road fund for the repairs and improvements of the public roads of the county.

§ 64. The County Road Engineer may, with the approval of the Fiscal Court of the county, purchase of the owner any gravel bed or pit, or stone quarry within the county, gravel or stone, for the purpose of grading, repairing or otherwise improving the roads of the county at a price per cubic yard to be approved by the Fiscal Court. If such a County Road Engineer cannot agree with any such owner for the purchase of such gravel or stone, he may, with the approval of the County Court acquire by condemnation, the right to take or use such gravel or stone and to remove the same from such bed, pike or quarry, for the purpose of grading, repairing or otherwise improving such roads, together with the rights of way to and from such bed, pit or quarry for the purpose of such removal. No such gravel or stone shall be taken by condemnation within one thousand feet of any house or barn, or from any lawn, orchard or vineyard. The purchase price of such stone or gravel and the damage awarded in such condemnation proceedings, together with the cost and expenses thereof, shall be a county charge, and paid out of the moneys collected therefor as provided by law.

If the county shall abandon for a period of three years any right acquired in this section to take or use the gravel or stone from such bed, pit or quarry, or if the County Road Engineer shall cease to use the same for the purpose for which it was acquired, the right thereto shall cease and the ownership thereof shall revert to and become invested in the

owner of such bed, pit or quarry or of his heirs or assigns, except when the Fiscal Court has by purchase acquired title to the fee of any land or lands, it shall remain and be vested in the county until disposed of by the Fiscal Court.

§ 65. Obstructions within the meaning of this chapter shall include trees which have been cut or have fallen either on adjacent land or within the bounds of the public roads in such manner as to interfere with traveling therein; limbs of trees which have fallen within the public road or branches of trees overhanging the public road so as to interfere with the travel therein, landslides, carcasses of dead animals, lumber, wood or logs piled within the bounds of the public road, fences, building or obstructions within the bounds of the public road, earth, stone or other material placed in any ditch or waterway along the public roads; telegraph, telephone, trolley or other poles and wires connected therewith, erected on the public road in such a way as to interfere with the use thereof, or any other thing which will prevent the easy, safe and convenient use of such public road for public travel.

§ 66. It shall be the duty of the owner or occupant of land situated along the public road, to remove all obstructions within the bounds of the road which have been placed there either by himself or by his consent.

§ 67. It shall be the duty of all telephone, telegraph, electric railway or other electrical companies to remove and reset telephone, telegraph, trolley and other poles and wires connected therewith when the same constitute obstructions to the use of the public by the traveling public.

§ 68. It shall be the duty of pipe line companies whose lines shall have been laid across or along any public road in

this State for the purpose of transporting any natural gas, oils or water, or any other substance to fill up all excavations made thereby and to make the public road in all respects as good as it was before the excavation was made, and to keep the same. If such obstructions are not removed, or such poles or wires are not removed or reset, or such excavations are not properly filled and maintained within thirty days after serving a notice, by the County Road Engineer personally or by mail upon such owner or occupant or upon such company at its principal place of business, or an agent of the company within the county requesting the same to be done, the County Road Engineer shall cause obstructions to be removed, and such poles and wires to be reset and such repairs on the excavation to be made as may be necessary to place the same in its original condition. The expenses thereby incurred shall be paid in the first instances, out of the moneys levied and collected and available therefor and the amount thereof shall be charged against such owner, occupant or company and levied and collected as provided in Section 69 of this act.

§ 69. The County Road Engineer shall assess the costs of removing obstructions and removing, resetting poles and wires pursuant to Sections 66, 67 and 68 of this chapter, against the owner, occupant or company neglecting to perform their duty imposed by the sections above referred to.

Such County Road Engineer shall serve personally or by mail upon such owner, occupant or company, a written notice, stating at the time and place specified therein, he or his agent will assess such costs against the owner, occupant or company neglecting to perform such duty. Such notice shall be served at least ten days previous to the time specified therein. If directed against a company, it may be served

upon it at its principal place of business or upon any agent of the company within the said district or county. At the time and place specified he shall hear the parties interested and shall thereupon complete the assessment, stating therein the name of the owner, occupant or company, the amount assessed against him or it shall return such assessment to the Fiscal Court of the county who shall cause the amount stated therein to be levied against the owner, occupant or company, and any uncollected assessment shall be a lien upon the property affected. The amount so levied shall be so collected as other taxes levied by such court, and shall be paid into the county road fund to be applied to reimbursing the fund from which the said cost was defrayed.

§ 70. Any person who shall kill a tree and leave it standing within a distance of fifty feet of any public road, or without lawful authority shall wilfully break down or destroy any bench or log across a stream for the accommodation of travellers, or destroy, injure, deface or alter any guide board, milestone or milepost, or obstruct or injure any road or ditch made for the purpose of draining a road or injure any statute, monument, chair or other seats or lamp or lamp post constructed or being in any public road, space or park, or any railing or fence, erected for public use, or enclosing any such space or park or any walk or crossing for foot passengers, or any sewer, curbing or paved gutter, shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more than fifty dollars.

§ 71. Any person who shall ride or drive on or over a bridge faster than a walk shall be fined five dollars. The Fiscal Court of any county may prescribe by an order, what number of stock of any kind may be driven over any bridge within their county at any such one time; but in every such

case they shall cause a printed copy of such order to be kept in a conspicuous place at every bridge to which the same is applicable. Every person violating any such order, posted as aforesaid, or who shall tear down, alter or deface the same, except when ordered by such court to do so, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten nor more than fifty dollars.

§ 72. Any person who shall use on any public road not covered with ice, a vehicle with a chained wheel, unless the same rest upon an ice shoe at least six inches wide, shall be fined no more than five dollars. Every person who shall draw upon the public roads any log or stone with the ends thereof dragging on the ground so that the road shall be injured thereby, shall be fined not more than five dollars in excess of the cost of the repair of said road.

§ 73. The fines imposed under this chapter shall accrue and belong in the case of a public road or bridge to the Fiscal Court of the county and be paid and applied as provided in Section 76 of this chapter; and in case of a road, turnpike or bridge owned by a person or company, shall accrue and belong to such person or company.

§ 74. Any driver of a vehicle meeting any other vehicle on the road or bridge shall reasonably drive to the right, if the width thereof will permit, so that they may pass each other without interference. And when a vehicle is overtaken by another vehicle, the driver of which desires to pass the other, the driver of the former, upon being informed of such desire, shall bear to the right and the driver of the latter to the left, until the latter shall have passed. And driver failing to do so shall be fined ten dollars.

§ 75. If any horse race be run on any public road or bridge, the rider of any horse in such race, the owner of the horse, if he consent to such race, and each person who shall bet on such race, shall be fined not less than ten nor more than fifty dollars.

§ 76. No fine imposed by this chapter, shall bar action for damages for breach of contract. Except when it is otherwise specially provided, all fines imposed shall accrue to the Fiscal Court of the county and be paid to the treasurer of the county, to be applied to the construction, improvement or repair of public roads, bridges and landing in the county in which the offense was committed.

§ 77. Every railroad company heretofore or hereinafter incorporated, which has, by the building of their road or otherwise obstructed, or shall hereafter obstruct any public road, shall as far as possible put the road so obstructed in as good condition at every crossing of the railroad as it was before the obstruction.

§ 78. The County Court of the county in which any public road or any portion thereof, taken for railroad purposes by any other corporation than a street railway company, unless such public road or portion thereof is in an incorporated city or town or village which has the control of its roads, streets and alleys, or has been constructed since such railroad may upon petition of any party interested, served upon said company as any other civil process, appoint a committee of three to inquire whether such public road or portion thereof is unsafe for travel by reason of such railroad, or whether inauguration of such public road or the construction of a new road is thereby by rendered necessary for the public safety and conveni-

ence; and such committee shall view the ground where such danger is complained of, and shall also give written notice both to the parties making the complaint and to the parties complained of, or their agents in the county, of any opportunity to be heard not less than fifteen days after the service upon such parties of a copy of such notice, and after the hearing shall report thereon to said court, which may make any proper order in the premises and if it shall order any such alteration or construction, and said company neglect or refuse to comply with such order, the Fiscal Court of the county shall alter or construct such public road in the manner provided by this law and may recover the expense thereof from said company, as in the case or removing obstructions as provided in Section 69.

§ 79. The County Road Engineer may enter upon any of the lands adjacent to any of the public roads of his county for the purpose of opening any existing ditch or drain, or for digging a new ditch or drain for the free passage of water for the drainage of such public roads; upon the lands of any persons adjoining rivers, streams or creeks, to drive piles, throw up embankments, or to perform any other labor necessary to keep such rivers, streams or creeks within their proper channels, and to prevent their encroachment upon public roads or abutments of bridges. Enter upon the lands adjoining the public road, which during the spring freshets or at the time of high water are subject to overflow from such rivers, streams or creeks, to remove or change the position of the fence or other obstructions, preventing the free flow of water under or through a bridge or culvert whenever the same may be necessary for the protection of the public road or bridge.

§ 80. Where lands are entered upon under the provisions of the preceding section, the County Road Engineer

may agree with the owner of such lands subject to the approval of the Fiscal Court, as to the amount of damages, if any, sustained by the owner in consequence of such entry in the performance of the work authorized by such section, and the amount of such damages shall be a charge to be paid by the Fiscal Court out of the road funds in the county treasury.

If the County Road Engineer is unable to agree with the owner upon the amount of such damages thus sustained, the amount thereof shall be ascertained, determined and paid in the manner that damages are so ascertained, determined and paid where new public roads are laid out and opened, and the County Court of the county, and the land owners are unable to agree upon the amount thereof.

§ 81. The County Road Engineer may, by an order in writing, authorize the owners of property adjoining the public roads, at their own expense, to locate and plant shade trees, fruit trees, or nut-bearing trees, suitable for shade along the public road. Such trees not to be planted within less than fifteen feet of the center of the road. Such trees shall be planted at least sixty feet apart and according to plans and regulations sent out by the State Commissioner of Public Roads.

§ 82. The County Road Engineer, under the direction of the Fiscal Court, shall have the full care and control of all such public shade trees in his county except within the limits of an incorporated city, town or village, and shall prosecute complaints for malicious injury to or unlawful acts concerning public shade trees.

§ 83. The County Road Engineer may authorize the owner or occupant of the lands to construct and maintain a

watering trough beside the public road, to be supplied with fresh water, the surface of which shall be at least two feet above the level of the ground and easily accessible for horses with vehicles.

The County Road Engineer shall annually give a written order upon the Fiscal Court of the county for two dollars to be paid out of the road fund of the county to such owner or occupant for maintaining such watering trough and keeping the same supplied with fresh water.

§ 84. Whenever the State Commissioner of Public Roads shall as to roads receiving State aid of the County Court of the county shall as to other roads direct the County Road Engineer so to do, he shall cause to be measured all public roads within his county. Such measurement shall be made either by the use of the cyclometer or otherwise as may be directed. He shall ascertain and indicate in his report the public roads which have been sufaced with gravel, those which have been surfaced with crushed stone, and those which have been shaped and crowned. He shall report as to roads receiving State aid in duplicate on forms to be prescribed and furnished by the State Commissioner of Public Roads to the total number of miles by all public roads in his county, one of which reports shall be filed with the County Court Clerk of the county, and one with the State Commissioner of Public Roads.

§ 85. The owner or tenant of lands fronting on the public road shall construct and keep in repair all approaches or driveways to and from the public road under the direction of the County Road Engineer, and it shall be unlawful for such owner or tenant to fill up any ditch or place any material of any kind or character in any ditch so as in any

manner to obstruct or interfere with the purposes for which it was made. Any person so offending shall be fined not less than ten dollars nor more than fifty dollars.

§ 86. Whenever complaint in writing, on oath, shall be made to the County Road Engineer of the county in which there shall be, in whole or in part, any toll bridge belonging to any person or corporation representing that such toll bridge has become or is unsafe for public use, the County Road Engineer shall forthwith cause to be made a careful and thorough examination of such toll bridge, and if upon examination thereof, he shall be of the opinion that the same has for any cause become dangerous or unsafe for public use, he shall thereupon give immediate notice to the owner of such toll bridge, or to any agent of such owner acting as the agent, in respect to such bridge, that he has on complaint made, carefully and thoroughly examined the bridge and found it to be unsafe for public use. Such owner shall thereupon immediately commence repairing the same and cause such repairs to be made within one week from the day such notice is given, or within reasonable time thereafter as may be necessary to thoroughly repair the bridge so as to make it in all respects safe and convenient for the public use. For neglect to take prompt and effective measures to repair such bridge, its owners shall be fined fifty dollars and shall not demand or receive any toll for using the same until it shall be fully repaired.

The County Road Engineer shall cause such repairs to be made and the owners of the bridge shall be liable for the expense thereof and for the services of a foreman at three dollars per day, and upon the neglect or refusal to pay the same upon presentation of any account thereof, the County Road Engineer may recover the same by action in the name of the county.

§ 87. The County Road Engineer shall bring an action in the name of the county against any person or corporation to sustain the rights of the public in and to any public roads in the county and to enforce the performance of any duty enjoined upon any person or corporation in relation thereto, and to recover any damages sustained or suffered by any person, corporation or district, in consequence of any such act of any such person or corporation in violation of any such act in relation to such public roads.

§ 88. The County Road Engineer, if he shall refuse to prosecute for any penalty provided in this chapter, knowing the same to have been incurred, shall be liable to a penalty of twenty-five dollars for every such neglect or refusal, which shall be recovered by action in the name of the county by the county.

§ 89. If it shall appear necessary to a County Road Engineer to close a public road which is being constructed, improved or repaired under this chapter, so as to permit a proper completion of such work, he shall execute a notice in duplicate. Such notice shall state the necessity for closing such public road, and describe the portion thereof to be closed. He shall cause to be posted at each end of the portion of the road to be closed a copy of said notice, and shall thereupon close the same to the public travel by erecting suitable obstructions and posting conspicuous notices to the effect that the public road is closed.

Not more than one mile of any public road shall be closed at one time.

The County Road Engineer shall provide a new location for constructing a temporary public road to be used by

the traveling public in lieu of the closed public road, and may erect temporary bridges when necessary. For the purpose of locating or constructing such temporary road or bridge, the County Road Engineer may enter upon the lands adjoining or near to the closed public road, and may with the approval of the Fiscal Court, agree with such owners of such lands as to the damages, if any, caused thereby. If the County Road Engineer is unable to agree with such owner upon the amount of the damages sustained, the amount thereof shall be ascertained, determined and paid as determined in Section 21 of this chapter.

When such public road shall have been closed to the public as herein provided, any person who shall disregard the obstructions and notices and drives or rides over the portion of the public road so closed he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $5.00 nor more than $25.00.

§ 90. The County Court shall furnish the County Road Engineer and his employees in the county with all necessary books, stationery and printed forms for the records and usese of their respective offices.

§ 91. Each County Road Engineer shall deliver the books, accounts and papers pertaining to his office to his successor at the expiration of his term of office. If he fails to do so on demand, he shall be fined the sum of one hundred dollars.

§ 92. Each public road official who is now in office or who may hereafter be in office by virtue of this chapter, shall at the expiration of his term of office, pay over to his successor, all the money in his hands by virtue of his office, tak-

ing duplicate receipts therefor, one of which shall be filed with the clerk of the County Court. If he fails to do so, he shall be liable to double the amount in his hands to be recovered by the county, before any justice or court having jurisdiction.

§ 93. County Judges and justices of the peace shall have concurrent jurisdiction with the Circuit Court to enforce the misdemeanor penalties herein prescribed.

§ 94. That the office of road overseer and road supervisor provided for in Chapter 110, Kentucky Statutes, are hereby abolished and all the duties and powers and qualifications prescribed in said act as pertaining to the said offices of supervisor and overseer shall be performed and applied to the office of road engineer as is created in this chapter.

§ 95. All laws or parts of laws in conflict herewith are hereby repealed.

The amendments as proposed to said bill by the Committee of the Whole House are as follows, viz.:

1. Amend Section 16, S. B. 4, line 9, by striking out the word "the" and substitute the letter "A" before the word newspaper, and also strike out the word "largest" after the word newspaper.

2. Amend by inserting the word "orders" after the word "such" in line 41, Section 19.

3. Strike out "book" in line 4, of Section 17.

Mr. J. W. Holland moved that the further consideration of said bill and all amendments be postponed indefinitely.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. J. W. Holland and H. J. Meyers were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	J. H. Elder	R. Dillard Hunter
Eli Berry	John M. Farra	Hugh Mahin
C. W. Burton	John F. Fryer	C. B. Nichols
Sidney G. Clay	L. B. Herrington	Luther C. Owings
Francis B. Douglas	A. B. Holland	E. B. Wiley
G. L. Drury	John W. Holland	—17

Those who voted in the negative were—

William Ahl	A. B. Hatton	W. V. Perry
Eugene G. Asher	Earl C. Huntsman	Marion F. Pogue
P. L. Atherton	Green R. Keller	John A. Polin
J. M. Bean	John G. Kelley	S. L. Robertson
A. V. Bertram	W. E. King.	Robt. H. Scott
E. Bishop	M. C. Kirk	W. H. Shanks
H. C. Blades	Charles H. Knight	Walter S. Sinclair
John F. Brewer	William J. Kuh	W. Scott Smith
Hiram Brown	J. Albert Leach	Adam Spahn
Wallace Brown	F. A. Lochry	A. H. Stamper
Wm. L. Bowling	B. J. Matthews	John G. Stoll
G. E. Carroll	Emanuel Meyer	C. B. Thompson
Henry Chunn	Harry J. Meyers	E. B. Thompson
W. Frank Cole	S. F. Middleton	Louis B. Tieman
Eli Farmer	R. C. McClure	Yeaman Watkins
S. Walton Forgy	Charles D. McCrea	J. H. Williams
D. Clarence Gray	W. N. McCubbin	B. S. Wilson
T. J. Gregory	A. W. Palmer	Charles Yancy
Joe Hall	W. F. Parker	Edward L. Young
V. D. Hammond	William A. Perry	—59

Pending the further consideration of said bill the House recessed until three o'clock.

AFTERNOON SESSION.

The House reconvened at three o'clock, and resumed the consideration of the pending bill above mentioned.

The amendments as proposed by the Committee of the Whole were severally agreed to.

Mr. Wallace Brown offered an amendment to said bill by way of substitute therefor.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All public roads on which the several county courts have heretofore appointed surveyors to work the same, and alloted hands therefor, which have not been vacated according to law, are hereby declared public roads, without regard to any informality in the orders of the County Court by which they were established. A public road shall be deemed to include necessary culverts, sluices, drains, ditches, waterway, embankments, retaining walls, and all bridges having a span of five feet or less.

§ 2. No bridge unless it be exclusively for footmen, shall be less than twelve feet wide. All public roads which, are now established in any of the counties of this State as public roads, shall remain of the width they now are unless the County Court shall have made a special order for a dif-

ferent width, which order must be a matter of record in the office of the County Clerk. Before making said order a petition must be filed by two or more abuting land owners and in all other respects the procedure shall be the same as in application for opening or discontinuing a road. All public roads which may hereafter be established in any of the counties of this State as public roads shall occupy a right of way not less than thirty feet wide.

§ 3. The grade of any road to be hereafter established shall not exceed five feet rise per hundred feet unless especially authorized by the County Court.

§ 4. The term "County Court" in this chapter shall be construed and held to apply to that tribunal presided over by a County Judge.

§ 5. The term "Fiscal Court" where so used in this chapter shall mean the court having charge of the fiscal affairs of the county whether composed of the County Judge and the Justice of the Peace or the County Judge and Commissioners.

§ 6. The road precincts as now established in the several counties of this State shall remain until changed by the County Court.

§ 7. No road precinct shall include any part of any incorporated city, town or village, which by the provisions of its charter keeps its own roads, streets and alleys in order.

§ 8. Nothing containing in this chapter shall be construed to take from the jurisdiction, charge or control of the council, trustees or any authority of any incorporated city,

town or village, so much of any road, bridge, landing or wharf or any other thing, as by the laws now in force, is exclusively under the jurisdiction, charge or control.

§ 9. Every public road, bridge or landing, and every street or alley, in any incorporated city, town or village heretofore established and opened pursuant to law and which has not been lawfully discontinued or vacated shall continue as such, until properly discontinued, and every road, street or alley, used and occupied as a public road, street or alley, shall in all courts and places be taken and deemed to be a public road, street or alley (as the case may be) whenever the establishment thereof as such may come in question.

§ 10. The roads, bridges and landings transferred by the State to the several counties in which they are located shall be regarded as public roads, bridges and landings.

§ 11. No more than two acres of land shall be condemned for any landing and no road or landing shall be established by the County Court of the county upon or through any lot of any incorporated city, town or village, without the consent of the owner thereof.

§ 12. When any road is altered, the former road shall be discontinued to the extent of such alternation and no further, and the new one established.

§ 13. Nothing in this chapter shall be construed as to prevent any County Court from acquiring by gift any land for public road purposes as provided in this chapter, but the title of all rights of way, whether acquired by gift, or condemnation, and all discontinuations of public roads shall be

reported by the County Commissioner to the County Clerk and made a matter of record in the County Clerk's office.

§ 14. No public road shall be established or discontinued, or the location thereof changed without due notice thereof having been given according to the provisions of this chapter.

§ 15. All bids for work to be let to contract made under the provisions of this chapter, whether for construction or maintenance, shall be received at the time and place specified in the advertisement and shall be opened publicly at the time of letting and the amount and items comprising each bid shall be publicly announced and the contract, if let, shall be to the lowest responsible bidder who shall furnish satisfactory security in an amount equal to the amount of the contract in question, to be approved by the County Judge of the county. The court may as protection to the county, reserve from payment twenty per cent of the amount accuring on said contract until the completion of said work and the same is approved by the county road commissioner. The said court may reject any and all bids and if thought adviseable, may re-advertise for and receive bids.

§ 16. All notices and advertisements for the establishment, alteration or discontinuance of any road, bridge or landing, and all notices or advertisements for sale of public road of bridges to be let to contract under the provisions of this chapter, whether for construction or maintenance, shall, unless otherwise provided, be published for at least two consecutive weeks next preceding the date for receiving bids for building or repairing public roads or bridges, or the filing of a petition for the establishment, alteration or discontinuance of a road, at least once in each week in the news-

paper of largest general circlation, or if there be no newspaper published in the county then by hand bills posted for fifteen days, one at the courthouse door and one in five or more other places in the vicinity of the road or roads affected. It shall be the duty of the county road commissioners to do the advertising herein mentioned, and he must file with the County Clerk an affidavit showing the manner in which this section of the law has been observed. Upon failure to comply with this section the County Road Commissioner shall be guilty of a misdemeanor and upon conviction by any court of competent jurisdiction, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

§ 17. With the consent of the owner or owners of the land in which a change of location is proposed to be made given in writing, setting forth the exact changes proposed, which must be entered in the form of an agreed order upon the order book of the County Court and subject to the approval of the County Judge, the County Road Commissioner may change any public road in his county, except in the case of State aid roads and turnpikes as provided in Section 19 of this chapter: Provided, such change does not materially increase the length or grade or require more work to keep the road in repair, or place the same on worse ground than it was before such change, or render the said road in any respects worse than it was before the change. Any County Road Commissioner who shall make such change otherwise than prescribed in this chapter shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars, and in case the County Road Commissioner shall make such change in violation of the provisions of this section, the part of the road thus altered shall not be

established as a public road, and the former location shall be continued as such.

§ 18. The County Court of the county may, upon petition, direct any public road, bridge or landing other than a turnpike, bridge or landing in which private citizens may hold a majority of the stock, to be discontinued, but notice of every such petition must be published according to the provisions of Section 16 of this chapter, and in addition, notices must be placed at three public places in the vicinity of said road or landing. Upon such petition, after notice given as aforesaid, the County Court shall appoint two viewers who, together with the County Road Commissioner shall view such road or landing and report in writing, whether in their opinion, what inconveniences, if any, would result from discontinuing same. Upon such report and other evidences, if any, the court may discontinue the road, bridge or landing, taking care in every case, if an established post road, not to discontinue the same until another has been established.

§ 19. When any person desires the established or alteration of a public road, bridge or landing in any county, or a public road leading from the main road or roads, he shall petition the County Court of the county in which such road, bridge or landing is situated, setting forth in his petition specifically the nature and location of the proposed work, and the court shall thereupon appoint two viewers, who, together with the County Road Commissioner shall view the ground and report in writing the advantages and disadvantages which, in their opinion, will result as well to individuals as to the public from the proposed work and the grades and bearings of the proposed road, and the facts and circumstances that may be useful to enable the County

Court to determine whether such work ought to be undertaken by the county or if the petition be for the establishment or alteration of the public road leading from the main road or roads, whether such road should be established, stating specifically whether it would be necessary to take any burying ground, garden, yard, orchard or any part thereof, or to injure or destroy any buildings, and the probable cost of the work, the names of the land owners whose property would have to be taken or injured, which of them would require compensation and the probable amount to which each of them would be entitled. They shall make careful examination of other routes or locations than that proposed or petitioned for, keeping in view at all times the possible future development of the county and the accommodation of the general traveling public, and shall report in favor of the one they prefer, with the reasons for the preference.

A map giving the grades and bearings of the routes or locations shall be returned with the report.

In any case where it shall appear to the County Court that the interests of the general public may be furthered thereby, the County Court shall personally examine the proposed work. If the court decides to undertake the proposed work, the County Judge shall appoint a day for hearing the parties interested and cause notice thereof to be given to the proprietors and tenants of the property which would have to be taken or injured, to show cause against the same. Process shall be issued by the clerk of the County Court against all interested parties and he will issue a warning order upon proper affidavit against any non-resident and make such against persons under disability as provided in the Civil Code of Practice.

§ 20. If the court at any time has sufficient evidence before it to ascertain what would be a just compensation to the proprietors and tenants, and if such proprietors and tenants are willing to accept what the court deems just, the said court upon acceptance, being reduced to writing and signed by the proprietor and tenants, may determine to undertake the work, subject to the consent and approval of the Fiscal Court.

§ 21. Upon hearing the parties interested in an application for a public road, said County Court shall decide for or against undertaking the proposed work on behalf of the county. If the court decides in favor of the establishing, alteration or discontinuance of the same, and the compensation to be paid to any proprietor or tenant cannot be fixed by agreement, the court shall appoint three impartial housekeepers of the county as commissioners to assess damages, the owner or tenant may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties according to law. Provided, that in cases of road beds or a portion of same, washing or slipping away, or in case of extreme emergency, and when in his judgment conditions warrant it, the County Court may immediately open and have surveyed a road or passway to be temporarily used while the commissioners are acting, or while the matter is pending in the court to establish a permanent road or passway, and said commissioners shall assess the damages for said temporary road or use of same. The same proceedings shall be had to recover same as in said recovery in regard to other roads. But when such compensation shall be so ascertained it shall be at the option of the County Court to pay the same or abandon the proposed undertaking. If it decides to pay the same the Fiscal Court of the county shall include in its next levy an amount sufficient to pay the same.

On any case where the petition is for the establishment or alteration of a public road leading from the main public road or roads, the court may refuse to undertake the proposed work, or abandon the same after having undertaken it, unless the petitioner or some one for him, shall deposit with said County Court a sufficient sum to pay all damages and costs sustained by reason of the establishment or alteration of such road.

In such case, if it deem proper to do so, the court may establish any such public road upon the condition that the petitioner shall pay all costs and damages as aforesaid, and make and keep in repair such road, and the court may also impose upon such petitioner, his heirs and assigns and upon the public such other conditions in reference to such road as the court may deem just.

§ 22. The Fiscal Court of any county may contract and pay for making, improving and keeping in order, the whole or any part of the county roads within the county. They may permanently improve by the use of asphaltum, brick, stone, block or by macadamizing or other process of merit, the roads within their county, and may contract therefore with any contractor for the use of these foregoing systems and take the bond and security in a penalty equal to the estimated cost of the work in question from any such contractor for the faithful performance of his contract.

§ 23. They may pay for the work done under such contract in whole or in part out of the county treasury by special levy to be laid, or by issuing bonds or other evidence of debt for same as is provided for in the following section of this chapter.

§ 24. Any county in this Commonwealth is hereby given authority to issue and sell its bonds at not less than par for any amount authorized by Sections 157 and 158 of the Constitution of Kentucky; the proceeds to be used in the construction, reconstruction or maintenance of the public roads and bridges of the county, provided the authority to issue the bonds be given the qualified voters of the county at an election held for that purpose as hereinafter provided. On the written petition signed by not less than one hundred qualified voters of the county filed in the County Court at a regular term thereof, asking the issual of the bonds of the county, stating the amount to be issued, it shall be the duty of the Judge of the County Court to enter an order of record, calling an election to be held, and direct a poll to be opened at the various precincts in the county on the day of the next general election held in the county which does not occur within less than sixty days after the entry of the order, at which election the proposition for the issue of the bonds of the county and the amount thereof shall be submited to the voters of the county for their approval or rejection. It shall be the duty of the court to order the sheriff of the county to advertise said election, and the object thereof, for at least thirty days next before the date thereof in some newspaper published in the county; and if none should be published therein, then by printed hand bills posted at not less than four public places in each voting precinct in the county, and at the courthouse door, for said length of time before the election. It shall be the duty of the sheriff to discharge the duties required of him by the court's order, and also the duty of the officers of the election in each voting precinct to hold said election at the same hour, and discharge all other such duties as required of them in holding elections for county officers. The election provided for herein shall be held in all respects as required under the general election

laws that may be in force in the Commonwealth at the time said election may be held, and the canvassing board of the county for canvassing other elections held under this law, and make certificate and return thereof in all respects as required of them in the election of the county officers, and the ballot shall be prepared in the same way as ballots are prepared for other county elections.

§ 25. If two-thirds of the legal voters voting on such proposition favor the appropriation or issual of bonds of the county, it shall be the duty of the County Judge to cause the bonds of the county to be prepared, executed and issued on printed forms under the seal of the County Court, which bonds shall be signed by the Judge of the County Court, and countersigned by the County Court Clerk, and payable to bearer at such place as the court may fix or direct and at such time or times as may be fixed or designated in the order submitting the vote. If not fixed in the order, then to be fixed or designated by the court at not less than two nor more than twenty years from the date of the bonds; and the time of paying or redeeming the bonds shall be optional on the part of the county within the limits above prescribed; and said bonds shall not bear a greater rate of interest than six per centum per annum, to be paid annually from the date of the bonds; interest coupons shall be attached to each bond, which shall be signed by the County Clerk, or by his lithographed signature. Said bonds and coupons shall be numbered consecutively; and be issued in such denominations as the Judge of the County Court may determine. All conditions on which said bonds may be issued, as prescribed in the order submitting the vote, shall be printed in the face of the bonds.

§ 26. Said bonds may be sold and delivered by the Comissioners of public roads at not less than par and ac-

crued interest, if any, in such manner and at such times as may be preschibed by rules and regulations adopted by the Fiscal Court. The proceeds of the sale of the bonds shall be paid to the county treasurer, or other fiscal court officers of the county or a special custodian of the fund, to be appointed by the court, and for which he shall be liable on his official bond, or any special bond that may be required.

§ 27. The Fiscal Court shall levy an ad valorem tax, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county, and may levy a per capita tax of not exceeding one dollar on each male citizen of the county, over twenty-one years of age, which tax levies the said court is hereby authorized to make, subject to the provisions of the Constitution of Kentucky, provide for the payment of interest on said bonds, and provide a sinking fund to pay the bonds at maturity, or when called for redemption, or payment before maturity. Special rules and regulations shall be adopted by the Fiscal Court for the management of the funds provided for the payment of the bonds and interest thereon, and any person having the custody of said funds may be required to give a separate bond for the faithful discharge of his duties, in such amount, and with such security as the court may require.

§ 28. When it becomes necessary to build or repair any bridge across any stream on the line between two counties, or to construct or improve according to any plan of State aid, or to keep in repair any road or roads between two counties, or along the boundary line thereof, the Fiscal Courts of such counties may enter in such agreement therefor as to them shall seem best, but if they disagree in relation thereto, it shall be the duty of the Fiscal Court of each county to appoint two special commissioners, who, together with the

County Commissioner of each county, shall meet and arrange the matter, and if they should disagree, they shall call to their aid one special commissioner from another county to assist them in their decision, and whenever a decision is arrived at, and if it is confirmed by the Fiscal Court of each county, sitting separately, it shall be binding. If the Fiscal Court of any county, upon being requested to do so, shall fail to appoint commissioners, or if either court shall fail in any respect to fulfill its part of the agreement with respect to work, the remedy by mandamus, shall lie before the Circuit Court of the county whose Fiscal Court is complained of on behalf of the Fiscal Court of the other county, and the Circuit Court shall compel the Fiscal Court complained of to do what ought to be done in the matter.

§ 29. If the Fiscal Court shall determine to make the improvements, they shall have prepared plans and specifications of such work, and shall advertise for bids, as provided in Section 16 of this chapter in each of the counties, and the contract shall be awarded to the lowest responsible bidder who shall furnish satisfactory security to be approved by the County Judge and said Fiscal Courts voting separately, shall approve the plans and specifications and shall jointly award the contract.

The commissioners appointed by the Fiscal Courts as provided in Section 28 of this chapter, together with the County Road Commissioner of each of the counties shall constitute a joint committee and such joint committee shall receive the bids at the time and places specified in the advertisement, and shall open and publicly announce the items comprising each bid according to the provisions of Section 15 of this chapter, and the members of the committee from each

county shall forthwith report such bids to their respective Fiscal Courts for action thereon.

§ 30. The contract for said work shall specify such share or portion of the costs thereof to be borne and paid by each Fiscal Court, and each county shall be severally liable for such share or proportion. The cost of said work is to be borne as proportions to the total assessed value of each county.

§ 31. After the completion of the work, the improvements so made shall be maintained by the Fiscal Court or other authorities of the counties or other political divisions joining in the improvements, who shall bear and pay the same share and cost of maintenance and repair that they severally bore toward the cost of improvement.

§ 32. Whenever any road or section of a road located in any magisterial district in this State has been or shall be hereafter permanently improved if the construction thereof be a macadamized road or a telford or other stone or brick or gravel road so that the same of whatever material constructed shall with reasonable repairs thereto be firm, smooth and convenient for travel at all seasons of the year, such public road, or section of road, upon the petition in writing of twenty-five legal voters of the magisterial district wherein such public road or section of road so improved lies addressed to and filed with the County Court of the county within which the district is situated, accompanied by map or survey of the public road or section of road so improved, and a copy of the specifications under which such improvements were made, together with proofs showing payment to the contractors for all work done, may be by said County Court by order and declared to be a county road, if in the judgment of

said County Court said road is of sufficient public importance and such road or section of road shall, upon acceptance forever thereafter be a county road and subject to the exclusive jurisdiction of said Fiscal Court in the same manner as roads, built by State aid, and the duty of keeping same in repair shall devolve exclusively upon the Fiscal Court.

More than one public road or section of road in the same district may be included in one petition.

§ 33. When any joint company incorporated in this State shall have been formed to construct a turnpike, road or bridge, wholly or in part in any county, the Fiscal Court of such county may subscribe for, take, hold and dispose of stock in such company under the regulation and subject to the restrictions prescribed by the law, such subscriptions not to exceed one hundred dollars for each mile of turnpike and thirty per cent of the cost of such bridge.

§ 34. No tolls other than for the maintenance of such road or bridge shall be charged or collected for the traveling upon any of the public roads or over any of the public bridges of this State, except those which are now collecting such tolls according to the laws of this State.

§ 35. A collector of tolls on any turnpike authorized by the law to receive tolls shall not allow any person, animal or vehicle to pass on such roads until the lawful toll be paid. If any person or animal or vehicle pass a toll gate on such roads, or other proper place for payment, without paying or tendering the toll, or if any person misrepresents the distance he may have traveled on such road, such person in possession of such animal or vehicle shall be fined not exceeding $5.00, and the like penalty shall be incurred when any person, animal or

vehicle subject to toll is passed through any private gate, barn or fence for the purpose of evading the payment of toll.

Whoever shall defraud or attempt to defraud the company by evading or attempting to evade the payment of toll for crossing a bridge, or aid another to do so, shall, for every such offense, upon conviction be fined ten dollars.

Whoever shall obstruct, or cause to be obstructed any walk or driveway to or upon a bridge, or shall loiter upon or about the entrance upon the same, or in anywise interfere with the gate keeper or passengers upon a bridge, shall upon conviction be fined ten dollars.

A gate keeper on any toll bridge shall keep such money of small denominations on hand, as may be reasonably required in the ordinary course of business, for making change for passengers, and it is the duty of passengers to offer money for passage of a denomination as nearly as possible to the amount charged for such passage. This section shall not apply to person having a lawful right to pass on such roads without the payment of toll.

§ 36. If any person without authority from the superintendent of such road, or person acting as agent thereof, shall, remove, injure or deface any of the mile stones or posts, parapets, walks, culverts, bridges, masonry of any kind, gates or toll houses belonging to said road authorized by law to receive tolls, or shall turn any stream of water from its regular course toward or upon such roads as to injure the same, or shall obstruct any of the gutters, drains or culverts of such road, or shall connect any public or private road with such road without securing such road from injury by reason of such connection, or by the flow of water at the place of such connection, or shall place or leave on such road any earth,

ashes, stone or other obstructions to the use and travel of such road, or shall so place or leave thereon any vehicle as to interfere with such travel shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars.

§ 37. On all turnpikes now owned, wholly or in part by individuals or corporations in this State, tolls not exceeding the following rates may be received in every section of five miles which has been completed, to-wit: For a single horse, mare, gelding, mule or jennet, in addition, one cent, if the same be not hitched to any vehicle; for twenty sheep or hogs, five cents; and for twenty cattle ten cents, and so on in proportion for a greater or less number; for a riding carriage whether two or four wheels if the road be a macadamized road or a brick road or some other permanently improved road, ten cents; but if not macadamized or not a brick road or other permanently improved road, ten cents; but if not macadamized or not a brick road or other permanently improved road, five cents; and for a cart or wagon, if the tires of the wheels or less than four inches wide, three cents for each animal drawing it; for automobiles, fifteen cents; and for motorcycles, ten cents; and for motor driven vehicles, fifteen cents. For a fractional part of a section, tolls may be received bearing the same proporition to the tolls for full section that the said fractional part bears such full section. Provided, That when the toll from the fractional part would be less than one cent they may charge and receive one cent. Provided, further, that all coaches, carriages, vehicles and horses used by persons to and from divine worship, funerals, schools and grist mills for the purpose of having grinding done, shall be exempt from tolls.

§ 38. The said tolls may be demanded and collected of every person passing the toll gate, whether he shall have

traveled the whole or only part of the section or fractional part. Provided, That the said toll road or turnpike shall be made so as to conform to the following specifications: All roads or turnpikes shall have a smooth road bed of not less than ten feet in width; exclusive of ditches and shall be well side ditched and drained. All cross drains shall be under drained or riprapped when necessary. All running streams requiring bridges of fifty feet in length or less, and such other as the Fiscal Court of the county may direct, shall have a bridge or culvert across same sufficiently strong and sufficiently wide to insure safe passage to all kinds of vehicles; provided further, that no toll shall be collected unless such toll road or turnpike be constructed in accordance with this section.

§ 39. That whenever the collection of tolls for traveling over or on any toll road or turnpike has been abandoned by any county, person, company, or coroporation, or is prevented by the law or by the final order of any court having competent jurisdiction, or whenever any of the main public roads are improved under the provisions of Section 23 of this chapter, it shall be the duty of the Fiscal Court of the county wherein such road or turnpike, or any part thereof, is located, to keep the same macadamized and piked, and in good repair, and shall pay for the work and all expenses incident thereto out of the county treasury.

Any person or persons who may desire to do so, may build a sidewalk, composed of gravel, concrete or other suitable material, along the side of any public road in this State: Provided, That the sidewalk does not exceed thirty-six inches in width and that the construction and repairing of same and the use thereof shall be without expense of any kind to the public or to any person who may want to use the same; And,

provided, further, that all person who may desire, be permitted to use the same, and that said sidewalk does not in any way interfere with the traveling public on any public road or the passing on or over by the traveling public to or from their places of business: Provided, further, that if it is desired to build any such walk in a city or corporate town, the consent of the council of such city or town shall be obtained before such walk is built.

Any person or persons who shall, in any manner destroy, take up, or in any way injure, any sidewalk, already constructed or that may hereafter be constructed according to the provisions of the foregoing section, and shall fail to repair the same, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than five nor more than fifty dollars.

§ 40. The County Court of the county may, upon petition, permit gates to be erected across any county road therein, or cause any gate erected across any county road to be removed, but notice of every petition for that purpose shall be first advertised according to the provisions of Section 16 of this chapter, and notices shall be posted at three places in the vicinity of the gate proposed to be erected, or removed at least three weeks before the meeting at which such order is made.

§ 41. If a Fiscal Court or County Court wilfully fail or refuse to perform any duty required of such court by the provisions of this chapter, every member of such court concurring in such failure or refusal, shall be guilty of a misdemeanor and upon indictment and conviction thereof before the Circuit Court of the county, shall be fined not less than ten nor more than one hundred dollars at the discretion of the court.

§ 42. It shall be the duty of the clerk of the County Court to keep on convenient file or in books prepared for such purposes, a complete record of all titles to rights of way, all maps, plates and surveys and all discontinued sections of public roads within the county, which are now, or may hereafter be reported to the county.

§ 43. The owner or occupier of every dam shall as far as the road passes over the same, keep such dam in good order, at least fourteen feet wide at the top, and also keep in good order a bridge of like width over the pier head, flood gates or any waste cut through or around the dam and to erect and keep in good order a strong railing on both sides of such bridges or dam. If he fails to comply with this section he shall pay a fine for every twenty-four hours' failure of two dollars; and where a mill dam is carried away or destroyed the owner or occupier thereof shall not be thenceforth subject to such fine until one month after the mill shall have been put in operation. And every owner of a dam thereafter built, which dam by the backing of the water or otherwise obstructs any public road, or any race or ditch connected therewith, shall materially obstruct any such road, shall, whenever it may be necessary for the safe and convenient crossing on the same, or the pond created thereby, build and keep in repair over and across the said dam, pond, race or ditch, a bridge of like kind and description as hereinbefore specified, and for the failure to do so every owner or occupier shall be fined as hereinbefore provided.

§ 44. Any person owning land upon a water course opposite his land, so that the navigation be not obstructed thereby, and so that such wharf, pier or bulkhead shall be not otherwise injure the private rights of any person. But the County Court of the county in which such wharf, pier or bulk-

head shall be, after causing ten days' notice to be given to the owner thereof, its intention to consider the subject, if it be satisfied that such wharf, pier or bulkhead obstructs the navigation of the water course or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

§ 45. Any person desiring the privilege of erecting a wharf at or on any public road may present a petition to the court of such county for such privilege; but notice of the petition, or of his intention to present the same, must be posted at the front door of the courthouse, and at three public places in the district in which it is proposed to erect such wharf, three weeks at least, before the petition is acted upon. The said court, upon petition and notice, may grant such privileges upon such conditions and limitations and fix such rates and charges for wharfage as it sees fit. But it may at any time afterward upon ten days' notice to the owner of such wharf, or his tenants, revoke his privilege or alter such conditions or limitations or regulate the rate of charges.

§ 46. There is hereby created in the several counties of the State of Kentucky the office of County Road Commissioner.

The County Judge of each of the counties in this State, by and with the consent and approval of the Fiscal Court thereof, shall, within thirty days after this law becomes operative, on or before the first day of October, 1912, and every two years thereafter appoint a County Road Commissioner, who shall be not less than twenty-five years of age, and shall possess all the qualifications necessary and requisite to the office of County Road Commissioner; provided that the present County Supervisors of Roads shall serve to

the expiration of their respective terms as County Road Commissioner under the provisions of this act. Such County Road Commissioner, except the first, as appointed shall serve for a period of two years from and after the said first day of October, and until his successor is appointed and qualified. The term of the first one appointed, regardless of when the appointment was made, shall expire October 1, 1914.

Vacanies in the office of County Road Commissioner shall be filled by appointment for the unexpired term in the same manner as the regular appointment is made. The County Road Commissioner shall receive such compensation either by salary or per diem as may be fixed by order of the Fiscal Court of the county at a reasonable sum. Should the Fiscal Court refuse to fix a salary for the road engineer, or if same be considered inadequate, he shall have the right to appeal to the Circuit Court of the counties.

It shall be the duty of the County Clerk to give written notice to the appointees provided in this chapter, of their appointment as soon thereafter as practicable, and each person shall within ten days after having been notified of such appointment, qualify by giving such bond as the court may direct for the faithful performance of his duties, and shall also take oath to well and truly perform the duties thereof.

The County Road Commissioned may be removed at any time by the County Judge of the county, upon his own volition or upon complaint of twenty-five reputable citizens for incompetency, malfeasance or misfeasance in office upon written charges, after a hearing of which ten days' notice shall be given by serving a copy of such charges upon such County Road Commissioner.

Such hearing shall be heard at the courthouse, in the county seat. If upon such hearing it appears that such charges are sustained the Capital County Judge of the county shall remove such County Road Commissioner and forthwith serve notice thereof by mail on the County Road Commissioner. Such notice shall state specifically the grounds for such removal. The record of the proceedings upon such hearings shall be filed in the office of the County Clerk.

§ 47. The County Judge of the county, by and with the consent and approval of the Fiscal Court thereof, shall, within ten days after such removal, appoint a County Road Commissioner to fill the vacancy caused by such removal. The person so appointed shall hold office for the unexpired term or until a judgment or final order of the court of competent jurisdiction determining that the original County Road Commissioner was wrongfully and illegally removed, and directing his reinstatement be rendered.

§ 48. If any County Road Commissioner wilfully refuses to perform the duties of his office, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars, and shall be subject to the same penalty if he refused or neglects to cause contractors to perform their duties as provided in this chapter.

§ 49. The County Road Commissioner as appointed and provided in Section 46 of this chapter, shall have general charge of all public roads and bridges within his county excepting turnpikes or bridges owned by or maintained and operated wholly by some citizens or company, and as otherwise expressly provided in relation to incorporated cities, towns and villages or other localities, and shall see that same

are improved, repaired and maintained as provided by law, and have the general supervision of the work of construction, repairing and improving public roads and bridges in this county; superintend the construction and improvement made upon the roads and bridges under the provisions of this chapter, and other work of like nature undertaken by the county or Fiscal Court of the county, and shall make reports thereon from time to time as the county or Fiscal Court may direct; advise and direct those employed by the various contractors how best to repair, maintain and improve such roads and bridges, examine the various formations and deposits of gravel and stone in his county for the purpose of ascertaining the materials which are most available and best suited for the improvement of public roads therein; establish or cause to be established, such grades and recommend such means of drainage, repair and improvement as seems to him necessary, whenever requested by the Fiscal Court, and shall report to said court plans and specifications and estimates for the erection and repair of bridges and the construction and maintenance of public roads.

§ 50. The County Road Commissioner shall not accept any fee whatever, or any other valuable recompensation from any person, firm or corporation, who is a contractor with his county for labor or material for road or bridge building, nor shall he engage in politics directly or indirectly, nor shall he influence or attempt to influence any voter in any election for county, district or State office, either in person or through other county employees or individuals, and for any violation of the provisions of this section he shall be fined not less than fifty nor more than two hundred dollars for each offense.

§ 51. Nothing in this act shall be so construed as to prevent overseers of dirt roads from warning in hands and working said dirt roads as now provided by law.

§ 51½. The County Road Commissioner shall inspect, or caused to be inspected, if so directed by the County Judge, each public road or bridge during its construction or improvement, and certify to the Fiscal Court the progress of the work, and whether or not the work is being carried on according to law and report to the Fiscal Court any irregularity of the contractor or failure on his part to comply with terms of the contract; and perform such other duties as may be prescribed by law or the rules and regulations of the State Commissioner of Public Roads relative to roads receiving State aid.

§ 52. By and with the advice and consent of the County Judge, the County Road Commissioner shall employ such agent or agents in the different road precincts of the county as may be necessary to carry out the provisions of this chapter, and may summarily discharge such employees at pleasure; such employees shall perform service upon the public roads of the county in whatever station employed, according to the direction and in the manner prescribed by the County Commissioner. Such employees may receive such compensation per day as may be agreed upon by the County Road Commissioner, subject to the approval of the County Judge and to any general rule or order that may be made by the Fiscal Court. Provided, That every able bodied man employed under the provisions of this chapter for service on the public roads shall receive the prevailing wages of the vicinity in which the work is done, which shall not be less than seventy-five cents, nor more than two dollars per day according to services rendered.

§ 53. It shall be the duty of the County Road Commissioner, within thirty days after the first day of January next after his appointment, if ordered by the County Court, and

every year thereafter, when so ordered, to lay out and divide, or cause to be laid out and divided, all the county roads in the county into sections not exceeding two miles in length which he shall number and describe in a book kept by him for that purpose. He shall distantly specify therein what he shall deem necessary for the improvement and keeping in repair each section of said county road for the period of one year and may also recommend the establishment and construction of such roads as he may think for the benefit of the general public.

§ 54. It shall be the duty of the County Road Commissioner to call a meeting in each Magisterial District in his county, in each year, of all persons interested in road work within the district. Such meetings shall be open to the general public and shall be held at a time designated by the County Road Commissioner, between the twentieth day of February and the thirtieth day of March.

Notice of all lettering of contracts shall be given by posting of hand bills at not less than two of the most public places of each road precinct, and by advertising in the county paper, having the largest circulation in the county, as provided in Section 16.

All bids made in the maner and form provided for in this act shall be opened by the County Judge in the presence of the members of the Fiscal Court of the county at a special meeting held for that purpose, and the Fiscal Court of the county shall have the right to reject any bid that may be deemed by them too high, or may be objectionable for any other good reason.

§ 55. If any section or sections be not let under the provisions of this act, for one of a bidder or because of rejection

of any bids as provided for in this chapter it shall be the duty of the County Road Commissioner to again advertise for bids and if on a second attempt no bids are received, he may let such sections of new roads and private contract or have them kept in repair or such new roads opened as provided in this chapter or in any other manner the County Court may direct.

To this end he may employ and procure all necessary hands, horses and material for the proper discharge of his duties, at such compensation as the County Court may determine according to the provisions set forth in this chapter. Provided, That bids shall be advertised for, received and opened, as herein provided for all supplies, tools and teams necessary for the completion of such work.

Each County Road Commissioner shall report to the Fiscal and County Court at each regular term thereof and at such other time as the court may require, a full itemized statement of the expenditures made by him since his last report, giving number and names of hands and number of horses employed by him, the time each was employed, the amount paid to and for each, and to such other matter as he may deem necessary or the court may require. Such statements of accounts shall first have been prepared according to the public accounting laws of the State, and have been certified to by the agent or agents of the County Road Commissioner having charge of the work.

§ 56. Any contractor may contract for one or more sections of road, and in purchasing a contract or contracts at any sale herein provided for, shall give bond with security to be approved by the County Court of the county in a sum equal to the estimated cost of the work in question, to be fixed by said court; for the performance of every contract so

purchased, and further conditions to require that every such contractor or contractors shall put his section or sections in good repair on or before July the first of each year and keep the same in good repair.

§ 57. It shall be the duty of the contractor or contractors to sign his name or their names, as the case may be, and write the sum he or they shall receive for repairing his or their section or sections in the books kept by said County Road Commissioner mentioned in Section 56, of this chapter under description thereof, and it shall be the duty of any contractor or contractors to keep his or their section or sections in repair in conformity to the contract.

§ 58. If any citizen of a road precinct complain to the County Road Engineer thereof, that any contractor or contractors thereof have neglected or refused to keep his or their section or sections of road in repair in accordance with the specifications; it shall be the duty of said County Road Engineer to cause examinations to be made within five days after such complaint shall have been made, and if, upon examination he deems the complaint well founded, shall give notice thereof in writing to the party so complained of, and he shall accompany said notice with a request that the party so complained of shall either in a reasonable time thereafter, put his or their section or sections in repair in accordance with the specifications; and if the said contractor or contractors shall neglect or refuse to repair the same, it shall be the duty of the said County Road Commissioner to cause the same to be put in repair, and the cost of the repair shall be deductd from any money or moneys allowed the contractor or contractors for opening and keeping in repair such section or sections and the Fiscal Court shall issue a warrant on the sheriff or treasurer for such amount of money certified, and in favor of such

person or persons as shall have been employed to put such section or sections in repair. And if the amount under the control of the court as aforesaid is not sufficient to pay for the repairs so caused to be made by the County Road Commissioner then the additional cost thereof shall be recoverable from the contractor or contractors by the Fiscal Court of the county as other claims of equal amounts are now recoverable by law.

§ 59. All claims of any contractor, contractors or other which may, under the provisions of this chapter, be due to such contractor, contractors or other persons, shall when certified to by the County Road Commissioners, be presented to the County Court, and if it be found correct, shall, upon the order or warrant of said court, signed by the judge thereof, be paid by the treasurer or sheriff. Provided, further, that it shall be the duty of the County Road Commissioner to furnish the Fiscal Court at the October session each year, and oftener whenever requested by said court, with a certified statement, showing an itemized account together with the vouchers for all expenditures made during the year. Provided, that no County Road Commissioner shall certify the claims of any such contractor or contractors until upon examination, he shall find that the provisions of the contract have been strictly complied with.

§ 60. It shall be the duty of each County Road Commissioner to see that all the roads in his county heretofore established, or that may hereafter be established as public roads, or put and kept in as good repair as may be, within the means at his command as herein provided. He shall cause such roads and bridge to be kept in repair and free from obstructions and cause the public roads and bridges within the county to be inspected every six months and at such other times as the county or Fiscal Court may prescribe, and if he

finds that any contractor or contractors have neglected or refused to fulfill his or their contract or contracts, he shall give notice thereof and enforce same in the manner provided in this chapter; cause to be constructed and kept in repair sluices and culverts and cause highways, bridges and culverts to be kept open; cause loose stones lying in the beaten track along the public roads to be removed at least one time in each year, between the first day of April and the first day of June. The stones so removed shall be carried to some place from which they will not work back or be brought back into the track by road machines or other implements used in repairing the roads.

Cause noxious weeds growing by the bounds of public roads to be cut down in the month of August.

Cause such roads as shall have been laid out but not sufficiently described, and such as shall have been used as public roads for a term of ten years, but not recorded, to be ascertained described and entered on record in the County Clerk's office of the county.

Cause to be opened and make all new county roads and alterations of former roads, ordered by proper authority.

When authorized and directed by the Fiscal Court cause to be made and placed at the crossings of any or all county roads, a guide board, on which shall be stated in plain letters the most noted places to which each road leads and number of miles thereto.

Across every stream where it is necessary and practicable, he shall, when directed by the Fiscal Court, cause to be placed and kept a sufficient bridge, bench or log for the ac-

commodation of foot passengers. Where any important bridge is necessary and it is deemed practicable and is directed by the Fiscal Court to have it constructed with the money which is at its disposal, and is contracted for as provided in this act, he shall cause it to be made safe and convenient and at least fourteen feet wide, with a railing not less than three feet high on each side.

When a public road is suddenly obstructed by falling of rock or timber, landslides or other causes, or public bridge is from any cause rendered unsafe if the section of the road obstructed or the bridge rendered unsafe, is under contract for continuous maintenance as provided in this chapter, he shall immediately give notice thereof to the contractor or contractors on whose section of the road the obstruction may be, whose duty it shall be within twenty-four hours, or as soon as praciticable thereafter to remove such obstruction, and in case it has been made by the contractor or contractors within said twenty-four hours to remove said obstruction he shall immediately employ such person, machinery and teams as may be necessary and without avoidable delay, cause the obstruction to be removed from the public road, or the bridge to be made safe, and the cost thereof shall be recoverable from the contractor or contractors aforesaid as provided in Section 59 of this chapter. But if said section of the obstructed road be not under this contract the said County Road Commissioner shall immediately remove the obstruction in like manner, and the cost thereof shall be a charge made payable by the County Court, out of the County Road fund of the district.

Cause all roads which are to be constructed or improved as public roads to be inspected, and all other roads, when so directed by the County Court for the purpose of procuring preliminary information to be used in preparing the plans

and specifications for such roads and mark, or in some substantial way designate the portion of such roads as may need special care and attention. He shall report to the County Court the condition of such road, and submit therewith such recommendations, with respect thereto as may seem expedient.

The county or Fiscal Court may require additional report on such roads whenever it seems to either of them to be necessary. He shall attend public meetings called by the State Commissioner of Public Roads, held within the county after receiving notice thereof.

§ 61. The Fiscal Court may purchase for the use of the county, stone crushers, road rollers, traction engines, road machines for grinding and scraping tools and other instruments which shall be paid for from moneys levied, collected and belonging to the county road funds, are from the proceeds of bonds issued and sold for such purposes as provided by law. The County Road Commissioner shall advertise for bids as hereinbefore provided.

No contract for the purchase of stone crushers, road rollers or traction engines, shall be valid unless the Fiscal Court shall have approved the same and indorsed its approval on such contracts by the signature of the County Judge and the clerk thereof.

All road machinery shall be under the care of the County Road Commissioner, and shall be cared for by him at the expense of the county to which they belong.

He shall cause to be made annually, a written inventory of all machinery, tools and implements, indicating each ar-

ticle, and the value thereof, and the necessary cost of all repairs thereto and deliver the same to the County Clerk of the county on or before October the first in each year, and shall, at the same time cause to be filed with the County Clerk his written recommendation as to what machinery, tools and implements should be purchased for the use of the county, and the probable cost thereof. He shall provide, subject to the approval of the County Judge a proper place or places for housing and restoring all machinery, tools and implements owned by the county, and cause the same to be stored therein when not in use.

§ 62. He may, with the approval of the County Court, lease or hire stone crushers, road rollers, traction engines, etc., that shall not exceed five dollars for the stone crushers, and seven dollars for a traction engine or road roller, for each day that the stone crusher, steam roller or traction engine is actually in service upon the public roads. The expense thereof shall be paid by the Fiscal Court in like manner as other such claims are paid by it out of the moneys belonging to the public road fund for the repairs and improvements of the public roads of the county.

§ 63. The County Road Commissioner may, with the approval of the Fiscal Court of the county, purchase of any owner the gravel bed or pit, stone quarry within the county, gravel or stone for the purpose of grading, repairing or otherwise improving the roads of the county at a price per cubic yard to be approved by the Fiscal Court. If such County Road Commissioner cannot agree with such owner for the purchase of such gravel or stone, he may, with the approval of the County Court acquire by condemnation, the right to take or use such gravel or stone and to remove the same from such bed, pike or quarry, for the purpose of grading, repairing or otherwise improving such roads, together

with the rights of way to and from such bed, pit or quarry for the purpose of such removal. No such gravel or stone shall be taken by condemnation within one thousand feet of any house or barn or from any lawn, orchard or vineyard. The purchase price of such stone or gravel and the damage awarded in such condemnation proceedings, together with the cost and expense thereof, shall be a county charge, and paid out of the moneys collected therefor as provided by law.

If the county shall abandon for a period of three years any right acquired in this section to take or use the gravel or stone from such bed, pit or quarry, or if the County Road Supervisor shall cease to use the same for the purpose for which it was acquired, the right thereto shall cease and the ownership thereof shall revert to and become vested in the owner of such bed, pit or quarry, or his heirs or assigns, except when the Fiscal Court has by purchase acquired title to the fee of any land or lands, it shall remain and be vested in the county until disposed of by the Fiscal Court.

§ 64. Obstructions within the meaning of this chapter shall include trees which have been cut or have fallen either on adjacent land or within the bounds of the public roads in such manner as to interfere with traveling therein; limbs of trees which have fallen within the public road or branches of trees overhanging the public road so as to interfere with the travel therein, landslides, carcasses of dead animals, lumber, wood or logs piled within the bounds of the public road, fences, building or other obstructions within the bounds of the public roads, earth, stone or other material placed in any ditch or water way along the public roads, telegraph, telephone, trolley or other polls and wires connected therewith, erected on the public road in such a way as to interfere with the use thereof, or any other thing which will prevent the

easy, safe and convenient use of such public road for public travel.

It shall be the duty of the owner or occupant of land situated along the public road, to remove all obstructions within the bounds of the road which have been placed there either by himself or with his consent.

§ 65. It shall be the duty of all telephone, telegraph, electric railway or other electrical companies to remove and reset telephone, telegraph, trolley and other polls and wires connected therewith when the same constitute obstructions to the use of the public road by the traveling public.

§ 66. It shall be the duty of pipe line companies whose lines shall have been laid across or along any public road in this State for the purpose of transporting any natural gas, oils or water, or any substance to fill up all excavations made thereby and to make the public road in all respects as good as it was before the excavation was made, and to keep the same. If such obstructions are not removed, or such polls or wires are not removed or reset, or such excavations are not properly filled, and maintained within thirty days after serving a notice, by the County Road Commissioner, personally or by mail upon such owner or occupant or upon such company at its principal place of business, or an agent of the company within the county requesting the same to be done, the County Road Commissioner shall cause obstructions to be removed, and such polls and wires to be reset, and such repairs on the excavation to be made as may be necessary to place the same in its original condition. The expenses thereby incurred shall be paid in the first instances, out of money levied and collected and available therefor and the amount thereof be charged against such owner, occupant or company and levied and collected as provided in Section 69 of this act.

§ 67. The County Road Commissioner shall assess the costs of removing obstructions and removing, resetting polls and wires pursuant to Sections 66, 67 and 68 of this chapter, against the owner, occupant or company neglecting to perform their duty imposed by the sections above referred to.

Such County Road Commissioner shall serve personally or by mail upon such owner, occupant or company, a written notice, stating at the time and place specified therein, he or his agent will assess such costs against the owner, occupant or company neglecting to perform such duty. Such notice shall be served at least ten days prior to the time specified therein. If directed against a company, it may be served upon it at its principal place of business, or upon any agent of the company within the said district or county. At the time and place specified he shall hear the parties interested and shall thereupon complete the assessment, stating therein the name of the owner, occupant or company, the amount assessed against him or it shall return assessment to the Fiscal Court of the county who shall cause the amount stated therein to be levied against the owner occupant or company, and any uncollected assessment shall be a lien upon the property affected. The amount so levied shall be so collected as other taxes levied by such court, and shall be paid into the county road fund to be applied to reimbursing the fund from which the said cost was defrayed.

§ 68. Any person who shall kill a tree and leave it standing within a distance of fifty feet of any public road, or without lawful authority shall wilfully break down or destroy any bench or log across a stream for the accommodation of travelers or destroy, injure, deface or alter any guide board, mile stone or mile post, or obstruct or injure any road or ditch made for the purpose of draining a road or injure any statue, monument, chair or other seats or lamp or lamp post

constructed or being in any public road, space or park, or any railing or fence, erected for public use, or inclosing any such space or park or any walk or crossing for foot passengers, or any sewer, curbing or paved gutter, shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more then fifty dollars.

§ 69. Any person who shall ride or drive on or over a bridge faster than a walk shall be fined five dollars. The Fiscal Court of any county may prescribe by an order, what number of stock of any kind may be driven over any bridge within their county at any such one time; but in every such case they shall cause a printed copy of such order to be kept in a conspicuous place at every bridge to which the same is applicable. Every person violating any such order, posted as aforesaid, or who shall tear down, alter or deface the same, except when ordered by such court to do so, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten nor more than fifty dollars.

§ 70. Any person who shall use on any public road not covered with ice, a vehicle with a chained wheel, unless the same rest upon an ice shoe at least six inches wide, shall be fined not more than five dollars. Every person who shall draw upon the public roads any log or stone with the ends thereof dragging on the ground so that the road shall be injured thereby, shall be fined not more than five dollars in excess of the costs of the repair of said road.

§ 71. The fines imposed under this chapter shall accrue and belong in the case of a public road or bridge to the Fiscal Court of the county and be paid and applied as provided in Section 76 of this chapter; and in case of a road turnpike or bridge owned by a person or company shall accrue and belong to such person or company.

§ 72. Any driver or vehicle meeting any other vehicle on the road or bridge shall reasonable drive to the right, if the width thereof will permit, so that they may pass each other without interference. And when a vehicle is overtaken by another vehicle, the driver of which desires to pass the other, the driver of the former, upon being informed of such desire, shall bear to the right and the driver of the latter to the left, until the latter shall have passed. Any driver fail- to do so shall be fined ten dollars.

§ 73. If any horse race be run on any public road or bridge, the rider of any horse in such race, the owner of the horse, if he consent to such race, and each person who shall bet on such race, shall be fined not less than ten and not more than fifty dollars.

§ 74. No fine imposed by this chapter, shall bar action for damages for breach of contract. Except when it is otherwise specially provided, all fines imposed shall accrue to the Fiscal Court of the county and be paid to the treasurer of the county, to be applied to the construction, improvement or repair of public roads, bridges and landing in the county in which the offense was committed.

§ 75. Every railroad company heretofore or hereinafter incorporated, which has, by the building of their road or otherwise obstructed, or shall hereafter obstruct any public road, shall as far as possible put the road so obstructed in as good condition at every crossing of the railroad as it was before the obstruction.

§ 76. The County Court of the county in which any public road or any portion thereof, taken for railroad purposes by any other corporation than a street railway company unless such road or portion thereof is an incorporated city,

town or village which has the control of its roads, streets and alleys, or has been constructed since such railroad may upon petition of any party interested, served upon said company as any other civil process, appoint a committee of three to inquire whether such public road or portion thereof is unsafe for travel by reason of such railroad, or whether an alteration of such public road or the construction of a new road is thereby rendered necessary for the public safety and convenience, and said committee shall view the ground where such danger is complained of and shall also give written notice both to the parties making the complaint and to the parties complained of, or their agents in the county, of any opportunity to be heard not less than fifteen days after the service upon such parties of a copy of such notice, and after the hearing shall report thereon to the said court, which may make any proper order in the premises, and if it shall order any such alteration or construction, and said company neglect or refuse to comply with such order, the Fiscal Court of the county shall alter or construct such public road in the maner provided by this law and may recover the expense thereof from said company, as in the case of removing obstructions as provided in Section 69.

§ 77. The County Road Commissioner may enter upon any of the lands adjacent to any of the public roads of his county for the purpose of opening any existing ditch or drain, or for the digging a new ditch or drain for the free passage of water for the drainage of such public roads; upon the lands of any person adjoining rivers, streams or creeks, to drive piles, throw up embankments, or to perform any other labor necessary to keep such rivers, streams or creeks within their proper channels, and to prevent their encroachment upon public roads or abutments of bridges. Enter upon the lands adjoining the public road, which during the spring freshets

or at the time of high water are subject to overflow from such rivers, streams or creeks, to remove or change the position of the fence or other obstructions, preventing the free flow of water under or through a bridge or culvert whenever the same may be necessary for the protection of the public road or bridge.

§ 78. Where lands are entered upon under the provisions of the preceding section, the County Road Commissioner may agree with the owner of such lands subject to the approval of the Fiscal Court, as to the amount of damages, if any, sustained by the owner in consequence of such entry in the performance of the work authorized by such section, and the amount of such damages shall be a charge to be paid by the Fiscal Court out of the road funds in the county treasury.

If the County Road Commissioner is unable to agree with the owner upon the amount of such damages thus sustained, the amount thereof shall be ascertained, determined and paid in the manner that damages are so ascertained, determined and paid where new public roads are laid out and opened, and the County Court of the county, and the land owners are unable to agree upon the amount thereof.

§ 79. The County Road Commissioner, may, by an order in writing, authorize the owners of property adjoining the public roads, at their own expense, to locate and plant shade trees, fruit trees, or nut bearing trees, suitable for shade along the public road. Such trees not to be planted within less than fifteen feet of the center of the road. Such trees shall be planted at least sixty feet apart and according to the plans and regulations of the Fiscal Court.

§ 80. The County Road Commissioner may authorize the owner or occupant of the lands to construct and maintain a watering trough beside the public road, to be supplied with fresh water, the surface of which shall be at least two feet above the level of the ground and easily accessable for horses with vehicles.

§ 82. The owner or tenant of lands fronting on the public road shall construct and keep in repair all approaches or driveways to and from the public road under the direction of the County Road Commissioner, and it shall be unlawful for such owner or tenant to fill up any ditch or place any material of any kind or character in any ditch so as in any manner to obstruct or interfere with the purposes for which it was made. Any person so offending shall be fined not less than ten dollars nor more than fifty dollars.

§ 83. Whenever complaint in writing, on oath, shall be made to the County Road Commissioner of the county in which there shall be, in whole or in part, any toll bridge belonging to any person or corporation representing that such toll bridge has become or is unsafe for public use, the County Road Commissioner shall forthwith cause to be made a careful and thorough examination of such toll bridge, and if upon examination thereof, he shall be of the opinion that the same has for any cause become dangerous or unsafe for public use, he shall thereupon give immediate notice to the owner of such toll bridge, or to any agent of such owner acting as the agent, in respect to such bridge, that he has on complaint made, carefully and thoroughly examined the bridge and found it to be unsafe for public use. Such owner shall thereupon immediately commence repairing the same and cause such repairs to be made within one week from the day such notice is given, or within reasonable time thereafter as may be necessary to thoroughly repair the bridge

so as to make it in all respects safe and convenient for the public use. For neglect to take prompt and effective measures to repair such bridge, its owner shall be fined fifty dollars and shall not demand or receive any toll for using the same until it shall be fully repaired.

The County Road Commissioner shall cause such repairs to be made and the owners of the bridge shall be liable for the expense thereof and for the services of a foreman at three dollars per day, and upon the neglect or refusal to pay the same upon presentation of any account thereof, the County Road Commissioner may recover the same by action in the name of the county.

§ 84. The County Road Commissioner shall bring an action in the name of the county against any person or corporation to sustain the rights of the public in and to any public roads in the county and to inforce the performance of any duty enjoined upon any person or corporation in relation thereto, and to recover any damages sustained or suffered by any person corporation or district, in consequence of any such act of any such person or corporation in violation of any such act in relation to such public roads.

§ 85. The County Road Commissioner, if he shall refuse to prosecute for any penalty provided in this chapter, knowing the same to have been incurred, shall be liable to a penalty of twenty-five dollars for every such neglect or refusal, which shall be recovered by action in the name of the county by the county.

§ 86. If it shall appear necessary to a County Road Commissioner to close a public road which is being constructed, improved or repaired under this chapter, so as to permit a proper completion of such work, he shall execute a notice

in duplicate. Such notice shall state the necessity for closing such public road, and describe the portion thereof to be closed. He shall cause to be posted at each end of the portion of the road to be closed a copy of said notice, and shall thereupon close the same to the public travel by erecting suitable obstructions and posting conspicuous notices to the effect that the public road is closed.

Not more than one mile of any public road shall be closed at one time.

The County Road Commissioner shall provide a new location for constructing a temporary public road to be used by the traveling public in lieu of the closed public road, and may erect temporary bridges when necessary. For the purpose of locating or constructing such temporary road or bridge, the County Road Commissioner ay enter upon the land adjoining or near to the closed public road, and may with the approval of the Fiscal Court, agree with such owners of such lands as to the damages, if any, caused thereby. If the County Road Commissioner is unable to agree with such owner upon the amount of the damages sustained, the amount thereof shall be ascertained, determined and paid as determined in Section 21 of this chapter.

When such public road shall have been closed to the public as herein provided, any person who shall disregard the obstructions and notices and drives or rides over the portion of the public road so closed he shall be guilty of a disdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

§ 87. The County Court shall furnish the County Road Commissioner and his employees in the county with all neces-

sary books, stationery and printed forms for the records and uses of their respective offices.

§ 88. Each County Road Commissioner shall deliver the books, accounts and papers pertaining to his office to his successor at the expiration of his term of office. If he fails to do so on demand, he shall be fined the sum of one hundred dollars.

§ 89. Each public road official who is now in office or who may hereafter be in office, pay over to his successor, all the money in his hands by virtue of his office, taking duplicate receipts therefor, one of which shall be filed with the clerk of the County Court. If he fails to do so, he shall be liable to double the amount in his hands to be recovered by the county, before any justice or court having jurisdiction.

§ 90. County Judges and Justices of the Peace shall have concurrent jurisdiction with the Circuit Court to enforce the misdemeanor penalties herein described.

§ 91. That the office of Road Overseer and Road Supervisor provided for in chapter 110, Kentucky Statutes, are hereby abolished and all the duties and powers and qualifications prescribed in said act as pertaining to the said offices of Supervisor and Overseer, shall be performed and applied to the office of Road Commissioner as is created in this chapter.

The following amendments were proposed to said original bill, viz.:

By Mr. Keller:

1. Amendment to Section 48. Striking out that part of Section 48, beginning at the word "the" line third, and

including the word "twelve" line five and inserting therefor "The Fiscal Court of each county shall at the expiration of the present term of the County Supervisor, elect a Road Engineer." Second: Add after the word "Agriculture" line eleven, "or shall have had two years experience as supervisor of roads."

By Mr. Wallace Brown:

2. Amend Senate Bill No. 4 by striking out paragraph two of Section 48 and inserting in lieu thereof the following words, "The County Judge of each of the counties of this State by and with the consent and approval of the Fiscal Court thereof, shall within thirty days after the law becomes operative, on or before the first day of October, nineteen hundred and twelve, and every two years thereafter, appoint a County Road Commissioner who shall be not less than twenty-five years of age and shall possess all the qualifications necessary and requisite to the office of County Road Commissioner; provided that the present County Supervisor of Public Roads shall serve to the expiration of their respective terms as County Road Commissioner under the provisions of this Act."

By Mr. Wallace Brown:

3. Amend Senate Bill No. 4 by adding in fifth paragraph of Section 48, after the words "unexpired term" the following words "in the same manner as the original appointment was made" and striking from said paragraph the words "by the County Judge of the county."

By Mr. Paxton:

4. Amend Senate Bill No. 4 by striking Section 34 therefrom.

By Mr. Paxton:

5. Amend Section 18 of Senate Bill No. 4 by striking therefrom the words "and in case of a road which may have been established by means of State aid the consent of the State Commissioner of Public Roads must have been obtained in writing setting forth the changes allowed."

By Mr. Stamper:

6. Amend Section 23 of Senate Bill No. 4 by striking out the words "process of equal merit, the main roads" and inserting in lieu thereof the following words "process of merit, the roads."

By Mr. Thurman:

7. Amend Section 56 by adding to line 5 after the word "received" the following words, "and accepted," and by striking out after the word "chapter" all of line 12, 13 and 14.

By Mr. Akin:

8. Amend Senate Bill No. 4 by striking Sestion 22 therefrom.

By Mr. Reed:

9. Amend Senate Bill No. 4 by striking therefrom paragraph three of Section 48.

By Mr. J. W. Holland:

10. Amend by striking out the words "State Commissioner of Roads" wherever this appears and inserting in lieu thereof, "The Fiscal Courts of the various counties."

By Mr. Drury:

11. Amend Section 61 by adding at the end of the 20th line the words "by the land owners" and amend also by adding at end of 30th line these words "if so ordered by the County Court," amend also by substituting the word "twelve," for "fourteen" in 37th line.

By Mr. Yancy:

12. Amend Section 34 by adding to line five after the word "bidder" the following words, "or by private contract."

By Mr. Polin:

13. Amend Senate Bill No. 4 by adding "The Fiscal Court may levy each year a tax on vehicles, not exceeding two dollars on each vehicle."

By Mr. Polin:

14. Amend Senate Bill No. 4 by striking out Sections 25 and 26 and inserting in lieu thereof the following words:

§ 25. Any county in this Commonwealth is hereby given authority to issue and sell its bonds at not less than par for any amount authorized by Sections 157 and 158 of the Constitution of Kentucky; the proceeds to be used in the construction, reconstruction or maintenance of the public

roads and bridges of the county, provided the authority to issue the bonds be given by the qualified voters of the the county at an election held for that purpose as hereinafter provided. On the written petition, signed by not less than one hundred qualified voters of the county, filed in the County Court at a regular term thereof, asking the issual of the bonds of the county, stating the amount to be issued, it shall be the duty of the Judge of the County Court to enter an order of record, calling an election to be held, and direct a poll to be opened at the various precincts in the county on the day of the next general election held in the county which does not occur within less than sixty days after the entry of the order, at which election the proposition for the issue of the bonds of the county and the amount thereof shall be submitted to the voters of the county for their approval or rejection. It shall be the duty of the court to order the sheriff of the county to advertise said election, and the object thereof, for at least thirty days next before the date thereof in some newspaper published in the county; and if none should be published therein, then by printed hand bills posted at not less than four public places in each voting precinct in the county, and at the courthouse door, for said length of time before the election. It shall be the duty of the sheriff to discharge the duties required of him by the court's order, and also the duty of the officers of the election in each voting precinct to hold said election at the same hour, and discharge all other such duties as required of them in holding elections for county officers. The election provided for herein shall be held in all respects as required under the general election laws that may be in force in the Commonwealth at the time said election may be held, and the canvassing board of the county for canvassing other elections held under this law, and make certificate and return thereof in all respects as required of them in the election of the county officers, and

the ballot shall be prepared in the same way as ballots are prepared for other county elections.

If two thirds of the legal voters on such proposition favor the appropriation or issual of bonds of the county, it shall be the duty of the County Judge to cause the bonds of the county to be prepared, executed and issued on printed forms under the seal of the County Court, which bonds shall be signed by the Judge of the County Court, and countersigned by the County Court Clerk, and payable to bearer at such place as the court may fix or direct and at such time or times as may be fixed or designated in the order submitting the vote. If not fixed in the order, then to be fixed or designated by the court at not less than two nor more than twenty years from the date of the bonds; and the time of paying or redeeming the bonds shall be optional on the part of the county within the limits above prescribed; and said bonds shall not bear a greater rate of interest than six per centum per annum, to be paid annually from the date of the bonds; interest coupons shall be attached to each bond, which shall be signed by the County Clerk, or by his lithographed signature. Said bonds and coupons shall be numbered consecutively; and be issued in such denominations as the judge of the County Court may determine. All conditions on which said bonds may be issued, as prescribed in the order submitting the vote, shall be printed in the face of the bonds.

§ 26. Said bonds may be sold and delivered by the Commissioners of Public Roads at not less than par and accrued interest, if any, in such manner and at such times as may be prescribed by rules and regulations adopted by the Fiscal Court. The proceeds of the sale of the bonds shall be paid to the county treasurer, or other Fiscal Court officer of the county, or a special custodian of the fund, to be ap-

pointed by the court, and for which he shall be liable on his official bond, or any special bond that may be required.

The Fiscal Court shall levy an ad valorem tax, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county, and may levy a per capita tax of not exceeding one dollar on each male citizen of the county, over twenty-one years of age, which tax levies the said court is hereby authorized to make, subject to the provisions of the Constitution of Ketnucky, provide for the payment of interest on said bonds, and provide a sinking fund to pay the bonds at maturity. Special rules and regulations shall be adopted by the Fiscal Court for the management of the funds provided for the payment of the bonds and interest thereon; and any person having the custody of said funds may be required to give a separate bond for the faithful discharge of his duties, in such amount, and with such security as the court may require.

By Mr. Owen:

15. Amend Section 48 line 2, by striking out the word "Engineer" and inserting the word "Commissioner" and each time thereafter the words County Road Engineer appears it shall read County Road Commissioner, also, strike out that part of Section 48 after the word "Engineer" line six to line twenty-three.

By Mr. J. W. Holland:

16. This act shall not take effect, until submitted to the voters of this State, at some general election, and adopted and ratified by a majority of the voters of this State in at least 60 counties of this State.

By Mr. Keller:

17. Amend Section 34 by striking out all of said section after the word "repair" in line eight.

Said amendment were severally disagreed to.

The following amendments were offered to said original bill:

By Mr. Keller:

1. Amendment to Section 94. Add "Provided that the present incumbents of said officers shall serve to the expiration of their respective terms.

By Mr. Hunter:

2. Amend Section 55 in line 9 by striking out the words "the county" and inserting in lieu thereof the word "a," and by striking out the words "the largest" and inserting in lieu thereof of the word "general."

By Mr. L. C. Owings:

3. Amend Senate Bill No. 4 by striking Section 30 therefrom.

By Mr. Kirk:

4. Amend Section 52 of said bill by inserting the word "be" after the word "shall" in line five of said section.

By Mr. Watkins:

5. Amend Section 25 by striking out the word "fifty" in line two and insert in lieu thereof the words "one hundred fifty."

By Mr. Polin:

6. Amend Section 94, line 6, by adding the following words, "after December 1, 1912."

By Mr. Spahn:

7. Amend by adding another section thereto being Section No. 94a in words and figures as follows: Section 94a. Nothing in this act shall be construed as affecting the duties of County Surveyors in counties containing a population of over 200,000 inhabitants.

Said amendments were severally agreed to.

The question was then taken on the adoption of the substitute proposed to said bill by Mr. Wallace Brown as aforesaid.

Said substitute was disagreed to.

The yeas and nays being required thereon by Messrs. Keller and Wallace Brown were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	E. Bishop	Henry Chunn
J. M. Bean	Wallace Brown	Elkanah Dickey
Eli Berry	C. W. Burton	G. L. Drury
A. V. Bertram	G. E. Carroll	J. H. Elder

John M. Farra	Green R. Keller	Marion F. Pogue
John F. Fryer	John G. Kelley	John A. Polin
T. J. Gregory	Hugh Mahin	S. H. Rogers
A. B. Holland	S. F. Middleton	Robt. H. Scott
James R. Howell	C. B. Nichols	D. B. Thurman
R. Dillard Hunter	Luther C. Owings	E. B. Wiley
W. J. Jackson	J. R. Paxton	Charles Yancy

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Those who voted in the negative were—

William Ahl	W. E. King	W. V. Perry
Eugene G. Asher	M. C. Kirk	W. H. Shanks
P. L. Atherton	William J. Kuh	Walter S. Sinclair
John F. Brewer	J. Albert Leach	W. Scott Smith
Hiram Brown	F. A. Lochry	Adam Spahn
Wm. L. Bowling	B. J. Matthews	John G. Stoll
W. Frank Cole	Harry J. Meyers	C. B. Thompson
Eli Farmer	R. C. McClure	E. B. Thompson
D. Clarence Gray	Charles D. McCrea	Louis B. Tieman
Joe Hall	W. N. McCubbin	Yeaman Watkins
V. D. Hammond	A. W. Palmer	J. H. Williams
A. B. Hatton	W. F. Parker	B. S. Wilson
Earl C. Huntsman	William A. Perry	

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Mr. H. J. Meyers moved that the further consideration of said bill be postponed until Tuesday the 5th instant at eleven o'clock, and that the Committee on Rules be instructed to call said bill up for consideration at that hour.

Said motion was agreed to.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House of Representatives entitled,

H. B. 43. An act to amend an act entitled an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

Mr. J. W. Holland moved that this House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 2, 1912.

The House was called to order by Speaker Terrell.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed a bill which originated in the Senate entitled,

S. B. 26. An act to establish a department of banking, providing for the appointment of a Commissioner, Deputy Commissioner and Examiners thereof and prescribing their duties; and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

That they had passed bills of the following titles,

1. S. B. 9. An act to amend and re-enact Section 20 of Chapter 13 of Acts 1910, entitled an act creating a County Text Book Commission.

2. S. B. 17. An act amending an act relative to revenue and taxation, approved March 15, 1906.

3. S. B. 37. An act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes, Carroll's Edition.

4. S. B. 56. An act to provide for the inspection of bulls, cows and calves held and owned in this State, for the testing of same for the destruction of same having tuberculosis, and prescribing a penalty for using reacting animals for dairy purposes.

5. S. B. 107. An act prohibiting the use of public drinking cups.

6. S. B. 169. An act to amend Section 1 and Section 7 of an act entitled "An act creating and regulating the office of County Treasurer," Session Acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act which was approved February 27, 1893, and the amendment to said act which became a law March 26, 1904.

7. S. B. 264. An act providing for interchange and transmission of messages between telephone companies.

8. S. B. 312. An act to amend, extend and re-enact Section 2 of an act entitled "An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend, or if in attendance, cannot properly preside, being the act known as Chapter 3 of the Acts of 1910 of the General Assembly.

Said bills were ordered printed and referred,

1. To Committee on Education No. 2.
2. To Committee on Revenue and Taxation.
3. To Committee on Cities of the 5th and 6th Class.

4. To Committee on Agriculture.
5. To Committee on Public Health.
6. To Committee on County and City Courts.
7. To Committee on Public Utilities.
8. To Committee on Circuit Courts.

A message was received from the Governor announcing that he had approved and signed a joint resolution which originated in the House entitled,

H. Res. 19. Resolution providing for the payment of expenses of the joint committee on Redistricting created and appointed by the General Assembly at the Session of 1910.

Mr. H. J. Meyers moved that the rules be suspended and that the Committee on Rules be instructed to call up for consideration a bill entitled,

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture the Department of Public Roads and creating the office of State Commissioner of Roads and prescribing the duties thereof and fix the salary thereof and creating the State Road Fund and fixing the rate of levy thereof and providing and regulating the collection and disbursement thereof;

On Tuesday next the 5th instant, immediately after the disposition of Senate Bill No. 4.

Said motion was agreed to.

Mr. Wallace Brown of the Committee on Rules called up for consideration a bill entitled,

H. B. 225. An act for the benefit of the three State Institutions, viz.: State University, Lexington, Kentucky; Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing necessary equipment and for expansion of work; and also providing additional revenues for the maintenance of said institutions.

Together with the amendment heretofore offered to said bill by the Committee on State University and Normal Schools by way of substitute therefor.

Said bill reads as follows, viz.:

Whereas: The educational interests of the State of Kentucky have so increased and the demands upon the State University, Lexington, Kentucky, and each of the State Normal Schools have been so great that the boards of each of said institutions have found it absolutely necessary in order to furnish additional buildings and other necessary equipment, to provide for the increase of students and to enable them to do the educational work needed by the Connowealth of Kentucky in each institution, to incur indebtedness which is now outstanding and unpaid; Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ninety-seven thousand and fifty dollars be and the same is hereby appropriated for the benefit of the State University, Lexington, Ky., for the purpose of paying the outstanding indebtedness heretofore incurred for the erection of necessary buildings and equipment of same, for additional grounds in order to meet the great in-

crease of the student body in said institution and the necessary expansion of the work. The money hereby appropriated shall be paid to the treasurer of the said institution and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the Treasurer of said University for the amount or amounts specified in carrying out the provisions of this Act: Provided, however, That one-third of said appropriation shall be paid during the current fiscal year, one-third thereof shall be paid during the next succeeding year, and one-third thereof shall be paid during the second succeeding year. The trustees of said institution shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named which account and statement shall be properly certified and audited.

§ 2. That the sum of thirty-five thousand dollars be and the same is hereby appropriated for the benefit of the Eastern Kentucky State Normal School, Richmond, Ky., for the purpose of paying the outstanding indebtedness heretofore incurred for the completion and equipment of a new girls' dormitory; also for the completion and equipment of a new model school building; also for the completion and equipment of a new central heating plant; also for the necessary repair and equipment of the old buildings of said institution; also for necessary walks and roadways constructed upon the grounds owned by said institution; and for the purchase of additional grounds that become necessary for the accommodation of the new buildings to be erected thereon. The money hereby appropriated shall be paid to the treasurer of said institution and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said Normal School for the

amount or amounts specified in carrying out the provisions of this Act: Provided, however, That one-third of said appropriation shall be paid during the current fiscal year, one-third thereof shall be paid during the next succeeding year, and one-third thereof shall be paid during the second succeeding year.

The Board of Regents of said institution shall submit to the next regular session of the General Assembly an itemized accounte and statement of the expenditures made for the purpose herein named which account and statement shall be properly certified and audited.

§ 3. That the sum of ninety-nine thousand eight hundred and seventeen dollars be and the same is hereby appropriated for the benefit of the Western Kentucky State Normal School, Bowling Green, Ky., for the purpose of paying the outstanding indebtedness heretofore incurred for the completion and equipment of the new auditorium class-room and administration building; also for the purpose of making the old Potter College Building into class-room, library and laboratory apartments and the equipment of the same; also for the new site upon which the buildings are being located, and land for agricultural purposes; also for the salaries of teachers that are unpaid. The money hereby appropriated shall be paid to the treasurer of the said institution and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the Treasurer of said Normal School for the amount or amounts specified in carrying out the provisions of this Act: Provided, however, That one-third of said appropriation shall be paid during the current fiscal year, one-third thereof shall be paid during the next succeeding year, and one-third thereof shall be paid during the second succeeding year.

The Board of Regents of said institution shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named which account and statement shall be properly certified and audited.

§ 4. In order to provide additional income to meet the additional annual expenditures of each of said institutions respectively:

That the additional sum of fifty thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the State University, Lexington, Ky., a necessary part of which shall be used to meet as far as possible the pressing demands for agricultural instruction and instruction in domestic science in the Agricultural College of said University and the same is directed to be paid by the Treasurer of the State to the treasurer of said University upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the additional sum of thirty-five thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Eastern Kentucky State Normal School, a necessary part of which appropriation shall be used to meet as far as possible the pressing demands for agricultural instruction, for instruction in household economies and for manual training in the respective departments of said institution, and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Eastern Kentucky State Normal School upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purposes aforesaid.

That the additional sum of twenty-five thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Western Kentucky State Normal School, a necessary part of which appropriation can be used to meet as far as possible the pressing demands for agricultural instruction, for instruction in household economies and for manual training in the respective departments of said institution and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Western Kentucky State Normal School upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purposes aforesaid.

Said substitute as proposed by the Committee is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In order to provide additional income to meet the additional annual expenditures of each of said institutions respectively:

That the additional sum of fifty thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the State University, Lexington, Ky., a necessary part of which shall be used to meet as far as possible the pressing demands for agricultural instruction and instruction in domestic science in the Agricultural College of said University and the same is directed to be paid by Treasurer of the State to the treasurer of said University upon warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the additional sum of thirty-five thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Eastern Kentucky State Normal School, a necessary part of which appropriation shall be used to meet as far as possible the pressing demands for agricultural instruction, for instruction in household economies and for manual training in the respective departments of said institution, and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Eastern Kentucky State Normal School upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That the additional sum of twenty-five thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Western Kentucky State Normal School, a necessary part of which appropriation can be used to meet as far as possible the pressing demands for agricultural instruction, for instruction in household economies and for manual training in the respective departments of said institution and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Western Kentucky State Normal School upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

§ 3. Whereas, it is necessary to provide for the great increase of students and to enable the Boards of each institution to do the immediate educational work needed by the Commonwealth of Kentucky in each institution, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its approval by the Governor.

Mr. Shanks offered an amendment to said substitute.

Said amendment reads as follows, viz.:

Amend by adding the following as Section 2.

That it shall be illegal for any officer, trustee or any person in any way connected with the Eastern Kentucky State Normal School, the Western Kentucky State Normal School or the State University of Lexington, Kentucky, to contract any obligation for or on behalf of said institution when there is no money in their respective treasuries or has been no money appropriated for the purpose for which said contract or obligation was made, and that any of said persons who fail to comply with this law shall be fined in each case not less than two hundred and fifty dollars, nor more than two thousand dollars, or confined not less than ten days in jail nor more than six months, or both so fined and imprisoned.

Mr. Thurman offered the following amendment to said amendment, viz.:

Amend by adding "or sufficient money" in line 5 after the word "money."

Said amendment to the amendment was agreed to.

Said amendment as amended was agreed to.

Said substitute as amended was adopted.

Ordered that said bill be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Joe Hall	A. W. Palmer
Robert H. Akin	Elwood Hamilton	J. R. Paxton
Eugene G. Asher	V. D. Hammond	William A. Perry
P. L. Atherton	A. B. Hatton	W. V. Perry
George Baker	L. B. Herrington	Marion F. Pogue
J. M. Bean	A. B. Holland	John A. Polin
Eli Berry	James R. Howell	W. A. Price
A. V. Bertram	Earl C. Huntsman	Stanley F. Reed
Thos. M. Bertram	W. J. Jackson	Robt. H. Scott
E. Bishop	Green R. Keller	W. H. Shanks
H. C. Blades	John G. Kelley	Walter S. Sinclair
Hiram Brown	W. E. King	W. Scott Smith
Wallace Brown	M. C. Kirk	Adam Spahn
C. W. Burton	Charles H. Knight	John G. Stoll
G. E. Carroll	William J. Kuh	E. B. Thompson
Henry Chunn	F. A. Lochry	D. B. Thurman
Sidney G. Clay	Hugh Mahin	Louis B. Tieman
W. Frank Cole	B. J. Matthews	Yeaman Watkins
Sidney J. Collins	Emanuel Meyer	E. B. Wiley
Elkanah Dickey	Harry J. Meyers	J. H. Williams
G. L. Drury	S. F. Middleton	B. S. Wilson
J. H. Elder	R. C. McClure	Charles Yancy
Eli Farmer	Charles D. McCrea	Edward L. Young
John M. Farra	C. B. Nichols	Speaker Terrell
S. Walton Forgy	Luther C. Owings	—72

Mr. Shanks offered the following amendment to the title thereof, viz.:

Amend title so that it will read as follows:

An act for the benefit of three State Educational Institutions, viz.: State University, Lexington, Kentucky; Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for furnishing necessary equipment and for expansion of work; and also providing additional revenue for the maintenance of said institution and preventing the creating of obligations for said institutions where there is no money in the Treasury and none appropriated for the purpose for which said obligations were made.

Said amendment was agreed to.

Resolved, that the title thereof be as amended.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. L. C. Owings of the Special Committee appointed for the purpose of investigating the conduct and management of the Louisville schools under and by virtue of a resolution heretofore adopted (See House Journal February 20th and 21st) offered the following report, viz.:

To the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

Mr. Speaker and Gentlemen:

Your Special Committee appointed to investigate the Public Schools of the city of Louisville, pursuant to resolu-

tions adopted by this House, on the 21st inst., would respectfully report that this Committee has made as thorough an investigation as is practicable within the limited time, which we have been able to devote to same, and we would respectfully report,

First: That the question of the purchase of pianos from the Montenegro-Rhiem Music Company, referred to in the resolutions aforesaid, is now pending in the courts, and this Committee did not for that reason investigate that question.

Second: That the present Board of Education, elected under the Act of 1910, took charge of the Public Schools of Louisville on January 1, 1911, and elected Prof. E. O. Holland, who at that time was professor of education at the University of Indiana, Superintendent; Sam D. Jones, Business Director, and Henry B. Manly, Secretary and Treasurer. The terms of those in office at the time of the passage of the act expired on January 1, 1911, pursuant to the terms of the act above.

Your Committee was searching in its inquiry and was very specific in its questions as to whether the sole purpose of the present Board of Education has been influenced by partisan politics in the appointment or election of officers, superintendent, teachers or employes, and are glad to state that we found no evidence that the Board has been influenced in the appointment or election of any of these by party affiliations, or political bias, and we do not find any evidence of politics in its management of any of the affairs of the school system of the city of Louisville.

Third: That at the close of the scholastic year, in June, 1911, Superintendent Holland refused to recommend thirty-

one teachers for re-election, including high school and grade teachers out of a total of about 700 in all, and that that fact caused great disappointment and some bitterness among those teachers and their friends. Some of these teachers were notified in advance by the Superintendent that he could not recommend them for reappointment but the majority of them had no knowledge that they would not be recommend for reappointment, and the announcement in the public press was their first knowledge of their failure of re-election. This was no violation of the law, and while there was no evidence that the Superintendent was not acting in every instance for the sole good of the service, we are of the opinion that the long and honored services of many of these teachers entitled them to a greater consideration, and that all of them were entitled to notice and hearing where charges were made against them which might be true or untrue.

Fourth: That in selecting teachers to fill the places of those discharged, a few were selected in the State outside of the city of Louisville, and that about thirteen were selected outside the State. Under the law it is the duty of the Superintendent to keep informed concerning the standard of education in other cities and to raise the standard of education in the city of Louisville to that of the other cities of the country, and at all times to look to the best interests of the schools in the selection of teachers, the schools being maintained primarily for the education of children and not for the employment of teachers. And while this committee hopes that the time may soon come, when our own universities, schools and colleges will be able to furnish the best equipped teachers for our schools, we are of the opinion that the Board of Education and the Superintendent were acting for the best interests of the schools in the selection of teachers, and that in attempting to reform the schools of their city and to raise the standard of education that they were guilty of no abuse

of power or of their discretion in selecting thirteen teachers outside the State in a total of about seven hundred teachers selected.

Fifth: That the census enumeration for the city of Louisville for the year 1908 was 64,948, and for the year 1911, it was 56,593, showing a decrease of 8,075 children of school age, and that this decrease was caused by a more accurate form provided by the State Superintendent for taking the census, the unwillingness of parents to give the number of their children on account of fear of the compulsory school law and for other causes. That whatever may be the cause this discrepancy shows the need of a more reliable method of taking the school census of the city of Louisville in order to protect the State Treasury.

Sixth: That the redistricting of the schools of the city on account of the shifting of population and to relieve overcrowded schools caused considerable dissatisfaction. Possibly there were some mistakes made, but there is no doubt that the Board of Education was acting in every instance for what it believed for the best interests of the whole school population.

Seventh: That last year some painting was not let by competitive bidding, but was stopped by injunction, but we do not find that the law has been violated in any similar instances. But there seems to have been some misunderstanding about the bids for thirty pianos last year, the school authorities interpreting the lowest bid as being on furnishing good used pianos on a sale price which the dealer claims was on new pianos. And on this point, your Committee wishes to state it as their opinion that the School Board acted entirely for the best interests of the people they represent, and in accordance with the law governing the same.

The business affairs of the schools are examined annually by an expert accountant, appointed by the Mayor, the examination being conducted last year by James S. Escott, an expert accountant of Louisville, who testified before the Committee that he had found nothing wrong or improper in the conduct of the business affairs of the schools.

Eighth: In conclusion your Committee would report that it has found nothing which demands the special attention of the General Assembly, unless it be that a more reliable law should be enacted for taking the census enumeration, there being no wrongs or mistakes, in any, which the local authorities, the courts or the people may not correct. The law permits the election of the best men in the city for members of the School Board without regard to party affiliation. And in this connection your Committee feels that it is but fair to state that the gentlemen selected by the citizenship of Louisville, as members of the School Board, have given their best efforts to secure to the people of Louisville an honest and conscientious administration of their schools. The Board of Education does select the best Superintendent, and the best officers and teachers to be obtained with the revenues at its disposal free from sectional influences. In short the people of Louisville have in a large measure the power to make their schools what they want them.

All of which is respectfully submitted to the consideration of this House. This March 2, 1912.

L. C. Owings, Chairman.
Eli Berry,
Charles H. Knight,
Ben E. Niles.

Said report was received, read and ordered to be filed.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 55. An act to provide for inspection of schools and school funds of the State and increase the efficiency of the Department of Education.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Superintendent of Public Instruction be, and is hereby, authorized to act as Special State Inspector and Examiner of all schools in cities, towns and counties in the Commonwealth, receiving funds directly or indirectly from the State or said cities, towns and counties. The State Superintendent of Public Instruction before entering upon this special duty, shall take an oath before some one qualified to administer the oath, to faithfully and diligently perform the duties of this office and shall execute bond with good and sufficient security, to be approved by the Governor in a sum not to exceed ten thousand dollars, which bond shall be filed with the Secretary of State.

The Superintendent of Public Instruction shall receive annually, for such special duty, the salary of $1,500.00 payable monthly out of the State School Fund.

He shall have power to appoint two assistants at salaries of one thousand dollars per annum, and all necessary contingent and traveling expenses for himself and his assistants, when on business pertaining to these official duties. He shall be allowed, not to exceed two thousand dollars per annum for additional clerk hire for this Department, in con-

nection with the State Department of Education, that the State Department may be made more efficient in the conduct, supervision, management and inspection of the schools and school revenues of the Comonwealth. These salaries and necessary expenses thus incurred, shall be paid by the Treasurer and charged to the common school fund, and the Superintendent is hereby authorized to make monthly requisitions on the Auditor for such salaries and expenses and that he render an itemized account of the same.

§ 2. The assistants appointed by the Superintendent may be required by him, subject to the approval of the State Board of Education, to make such bond as they may deem sufficient, to faithfully and diligently perform, under the direction of the State Superintendent, such duties as he may assign them, either in the office of the Superintendent, or on business pertaining to the official inspection duties. Such bond shall be filed in the office of the Superintendent of Public Instruction.

§ 3. It shall be the duty of the State Superintendent as Special Inspector, by and through the co-operation of his assistants, to inspect and examine into the fiscal management and conduct of the office of all school officials, whose duty it is to receive, handle or disburse the public school funds either directly or indirectly and to compel an account of said school officials. The said Inspector shall have power to examine into the management of public schools supported in whole or in part by the State and to see that the school laws, rulings, regulations and all by-laws of the State Board of Education, are enforced and operative in such a way as to best and most equitably distribute the educational equipment of the State and to make the public school system of the State a more efficient system.

§ 4. He shall, at all times, have access to the papers, books and records of any and all teachers, trustees, superintendents or other public officials, and shall have power to issue process and compel attendance of witnesses before him and to administer oaths to and to compel witnesses to testify in any of the investigations he is authorized to make, and upon the failure of any witness to attend or testify, without legal excuse, he shall be deemed guilty of misdemeanor and upon conviction, fined not to exceed $25.00 for each offense. He shall have power to clothe his assistants with full power of attorney to act for him as Inspector.

§ 5. When he or his assistants shall find any mismanagement, misconduct, violation of law, or wrongful or improper use of any County or State school fund, or neglect in the performance of duty on the part of any school official, he shall report any and all such violations of the school laws, when discovered to the State Board of Education, whose duty it shall be, through the State Superintendent, as Special Inspector, or one of his assistants, to call in the assistance of the County Attorney or Commonwealth's Attorney in the county or district where such violation occurs, to assist in the indictment, prosecution and conviction of the accused, or if indictment, prosecution and conviction are not warrantable, he shall report such neglect or misconduct to the State Board of Education who shall have power to rectify and regulate all such matters.

§ 6. The necessity for the immediate operation of the provisions of this act, is so patent that an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

§ 7. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
C. W. Burton
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
G. L. Drury
J. H. Elder
John M. Farra
S. Walton Forgy
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
James R. Howell
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
C. B. Nichols
A. W. Palmer
J. R. Paxton
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
Robt. H. Scott
W. H. Shanks
W. Scott Smith
John G. Stoll
D. B. Thurman
Louis B. Tieman
E. B. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—64

Those who voted in the negative were—

G. E. Carroll F. A. Lochry
George P. Chinn Yeaman Watkins —4

Resolved that the title thereof be as aforesaid.

Mr. ..... moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 79. An act to enable counties or parts of counties to erect and furnish schoolhouses and to provide the money therefor by the issuance of bonds.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Upon the application, in writing of 250 householders residing in the district, as hereinafter described, it shall be the duty of the County Judge of a county to appoint four persons, two of whom shall be members of the Democratic Party and two members of the Republican Party, to constitute a Building School Commission. Each appointee shall be at least twenty-five years of age and reside within the district, and be the owner in his own right of real estate. No officer or employe of the State or of any city or county, whether holding a paid or unpaid office, shall be eligible to

appointment to said Commission. Such appointee shall be subject to the approval of the Fiscal Court of said county. The term of office shall be four years, and if the work therein provided for is sooner completed such term of office shall expire at such completion. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The district for which said Commission is appointed and which shall constitute the district as hereinafter mentioned, shall be the whole county, or, where said county contains an incorporated town or towns wherein is maintained a public school which is, in whole or in part, supported by taxation levied alone upon the property in said town, then the balance of said county.

§ 2. The persons appointed as provided in the first section, and their successors, shall constitute a body coporate under the name of Building School Commission of..... County (the name of the county in which they are appointed being used to fill the blank), and shall have official capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Such Commission shall elect a chairman from the appointed members. It shall, by unanimous vote, elect a secretary and treasurer not a member of the Commission, who shall hold the combined office at the pleasure of a majority of the Commission, and receive a salary, to be fixed by the Commission, not exceeding $1,800 per annum, to be paid by the Commission. The Commission shall, by like vote, elect a Superintedent of Construction. This officer must be a draughtsman experienced in and familiar with the erection of buildings and their mechanical equipment, and experienced in reading and executing architects' plans and specifications. He shall receive as compensation a salary to be fixed and

paid by the Commission, not exceeding $..... per annum. He shall be removable at the pleasure of a majority of the Commission. The appointed members of the Commission shall receive no compensation but shall be allowed their expense of travel when on business of the Commission.

§ 3. It shall be the duty of the Commission to make such careful examination of the method of constructing and furnishing public schoolhouses as may enable it to determine the best plan of erecting and furnishing the same, including ventilation, heating and lighting. The Commission shall have the power to employ one or more architects to submit plans for such construction and furnishing, together or separately, and to attend to the carrying out of the same, and pay a reasonable compensation therefor.

§ 4. The Commission shall exact from its officers and employes such bond, with approved surety, as seems to it discreet, and fix the form of such bond. The premium on such bonds shall be paid by the Commission.

§ 5. When the Commission shall have determined upon a plan for the erection and furnishing of a schoolhouse or schoolhouses in said district it shall lay said plans before the County Board of Education. If said plans so recommended by the Commission be adopted by the County Board of Education then said Commission shall have the right to proceed to acquire, by purchase or condemnation, all property necessary for such schoolhouses and play grounds; and the erecting and furnishing of said schoolhouses so approved.

§ 6. All work to be done or supplies or materials to be purchased in carrying out the purposes of this act and involving an expenditure of $500 or more shall be by contract awarded to the lowest and best bidder; but the Commission,

with the consent of all its members, may itself do any part of such work under such conditions as it may prescribe, whenever the Superintendent of Construction shall, in writing, recommend that course. All bids or parts of bids for any work or supplies or materials may be rejected by said Commission. This section shall not apply to nor be contrued so as to limit the power of the Commission in the employment of architects, clerks or agents.

§ 7. In order to provide money for the acquisition of property for school sites and the erection and furnishing of school buildings the Fiscal Court of any county may adopt a resolution submitting to the voters of the district, at the November election occurring ninety days after the entry of the order, and succeeding the appointment of the Commission, the question whether bonds of the district shall be issued for the purpose of carrying out the work herein provided for. The resolution of the Fiscal Court shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall in no event exceed the limit fixed by the Constitution, and the resolution shall also contain the necessary details in reference to the execution and delivery of said bonds, their denomination, coupons to be annexed, tax to be levied to pay the interest and sinking fund to retire such bonds at maturity.

§ 8. When the voters of the district shall determine that such bonds shall be issued they shall, when so issued, be placed under the control of said Commission, who shall determine when and at what price and how they shall be sold: provided that no such bonds shall be sold at less than par, and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are

sold their proceeds shall go to the credit of the Commission in some depository which shall be selected for the deposit by the Commission, and shall be withdrawn only upon the checks of the Secretary and Treasurer of the Commission, countersigned in such manner and accompanied by voucher approved in such manner as may be prescribed by regulations to be adopted by the Commission; provided that the said Commission shall exact of said depository bond, with surety, for the faithful accounting for and paying over of such money as may be from time to time drawn upon.

§ 9. The Commission may select its secretary and treasurer and superintendent of construction, prior to the election on the subject of issuing the bonds as provided in Section 7; but no compensation shall be paid to either of such officers for any work done until after the bonds have been voted. All disbursements of the Commission, including compensation to its officers, agents and others employed by it, shall come out of the proceeds of the sale of said bonds. The duties prescribed for the Commission in Section 3, 4, 5, 6 and 8 hereof shall not be performed until and unless bonds have been voted as provided in Section 7.

§ 10. It shall be the duty of the Fiscal Court of the county to levy annually, upon the property subject to taxation in the said district, a sufficient rate to pay the interest on the said bonds and the Sinking Fund provided for in the order, and the principal of said bonds when the same shall mature. It shall be the duty of the sheriff of the county to collect such levy and to turn over the same to the County Treasurer, who shall apply the funds thus collected to the payment of the interest and prinicpal of the bonds. And it shall also be the duty of the County Treasurer, under the direction of the County Board of Education, to invest the

money derived from the Sinking Fund in such securities as may be approved by said County Board of Education.

§ 11. The title to all property acquired by said Commission shall be taken in the name of the County Board of Education, and all money in the hands of the Commission after defraying any liabilities which have been incurred by the Commission, shall be paid into the hands of the County Treasurer, to be used as a Sinking Fund for the bonds hereinbefore provided for. The Commission shall pay out of the proceeds of the sale of said bonds all valid claims for damages or otherwise which may be preferred against it, and neither the County nor the District shall be liable for any debt which the Commission may incur, or any claim for damages which may be asserted or awarded against the Commission.

§ 12. All legal services or advice which may be required by the Commission shall be rendered by the County Attorney and his assistants without additional compensation.

§ 13. It shall be the duty of the Fiscal Court to canvass the votes of the election provided for in Section 7 hereof, and upon its appearing that two-thirds of the voters in the district voting upon the question shall have voted in favor of the issue of said bonds, shall certify this fact by an order to be entered upon the order book containing the proceedings of the Fiscal Court. The said bonds shall contain a certificate that they have been duly issued under the provisions of this act, and such certificate shall be conclusive evidence that all steps preliminary to their valid issue have been regularly taken.

§ 14. The Fiscal Court shall have power and authority, and it shall be its duty, to continue to levy said tax on the

property of the entire district which voted the said bonds, notwithstanding any part thereof may be subsequently incorporated into any town, city or other municipal subdivision.

Mr. Reed offered the following amendments to said bill:

Amend H. B. 79, Section 2 by striking therefrom all that part of the Section following the word "members" in line eight except the last sentence.

Amend by adding to Section 2 as so amended the following:

"It shall have authority to employ such clerical or other assistance as the Board may deem necessary."

Amend H. B. 79, Section 9 by substituting for the words "secretary and treasurer, and superintendent of construction" the words "necessary employees."

Said amendments were severally agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being treasurer not a member of the Commission, who shall hold engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	S. Walton Forgy	R. C. McClure
Robert H. Akin	D. Clarence Gray	C. B. Nichols
P. L. Atherton	T. J. Gregory	Luther C. Owings
George Baker	Joe Hall	A. W. Palmer
Eli Berry	Elwood Hamilton	J. R. Paxton
A. V. Bertram	V. D. Hammond	William A. Perry
Thos. M. Bertram	A. B. Hatton	W. V. Perry
E. Bishop	L. B. Herrington	Marion F. Pogue
H. C. Blades	A. B. Holland	John A. Polin
John F. Brewer	John W. Holland	W. A. Price
Hiram Brown	W. J. Jackson	Stanley F. Reed
Wallace Brown	Green R. Keller	Robt. H. Scott
C. W. Burton	John G. Kelley	W. Scott Smith
Henry Chunn	W. E. King	John G. Stoll
Sidney G. Clay	Hugh Mahin	E. B. Thompson
W. Frank Cole	M. C. Kirk	E. B. Wiley
Sidney J. Collins	Charles H. Knight	J. H. Williams
Elkanah Dickey	William J. Kuh	B. S. Wilson
G. L. Drury	F. A. Lochry	Charles Yancy
J. H. Elder	B. J. Matthews	Edward L. Young
Eli Farmer	Harry J. Meyers	
John M. Farra	S. F. Middleton	—64

Those who voted in the negative were—

Walter S. Sinclair —1

Resolved that the title thereof be as aforesaid.

Mr. ..... moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 102. An act to empower the Board of Trustees of graded schools operating under charters known as special act schools to levy tax for maintenance.

Together with an amendment heretofore offered by the Committee.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That those graded schools in this Commonwealth operating under special charters granted by the General Assembly, and known as Special Act Schools, which do not now levy as much as fifty cents on each one hundred dollars' worth of taxable property, within their respective districts, shall have the power, and their charters are hereby so amended so as to empower them to levy any rate of tax for operating expenses not to exceed fifty cents on each one hundred dollars' worth of taxable property within their respective districts, and that their Boards of Education be, and same are hereby authorized to exercise this power when in their judgment, the demands of the school make it expedient.

This law shall be in force and effect upon its passage and approval by the Governor. All laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

The amendment offered by the Committee to said bill reads as follows, viz.:

Amend by ading the words "And all other graded schools of this Commonwealth" after word "districts" in the eighth line of the printed bill.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	S. Walton Forgy	Emanuel Meyer
Robert H. Akin	D. Clarence Gray	A. W. Palmer
Eugene G. Asher	Elwood Hamilton	William A. Perry
P. L. Atherton	V. D. Hammond	Marion F. Pogue
George Baker	L. B. Herrington	W. A. Price
J. M. Bean	A. B. Holland	Robt. H. Scott
Eli Berry	James R. Howell	W. Scott Smith
E. Bishop	Earl C. Huntsman	Adam Spahn
H. C. Blades	Green R. Keller	A. H. Stamper
Wallace Brown	John G. Kelley	John G. Stoll
C. W. Burton	M. C. Kirk	D. B. Thurman
Henry Chunn	Charles H. Knight	Yeaman Watkins
Sidney G. Clay	William J. Kuh	B. S. Wilson
Sidney J. Collins	F. A. Lochry	Charles Yancy

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Those who voted in the negative were—

A. V. Bertram	T. J. Gregory	S. H. Rogers
Hiram Brown	A. B. Hatton	Walter S. Sinclair
W. Frank Cole	W. J. Jackson	E. B. Thompson
Elkanah Dickey	W. E. King	David W. Wiley
G. L. Drury	Harry J. Meyers	Edward L. Young
J. H. Elder	R. C. McClure	—19
Eli Farmer	John A. Polin	

Resolved that the title thereof be as aforesaid.

Mr. ..... moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 289. An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909 (Act of March, 1908, page 133), Districts, Trustees, Teachers, Taxations.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 113, Article 6a, Section 4426a, Subsection 1, Carroll's Kentucky Statutes, 1909, be amended by adding to Subsection 1, at the end of said subsection the following paragraphs:

If there should be a colored common school or schools not graded according to the law relating to the establishment

of colored graded common schools, occupying a part of a whole of a white graded school district, said colored common school district shall not be exempt from taxation, but shall be under the control of the County Board of Education as other colored common schools in the rural districts.

Said colored common school district or districts shall be considered a part of that educational division in which it is situated. If the division lines should be extended through the white graded school district, and the election of a teacher or teachers for said colored common school, or schools, shall be held on the day prescribed by law for that purpose by the division Board of Trustees in that division in which the house is situated.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Wallace Brown	John M. Farra
Eugene G. Asher	C. W. Burton	S. Walton Forgy
P. L. Atherton	Henry Chunn	D. Clarence Gray
George Baker	Sidney G. Clay	T. J. Gregory
J. M. Bean	Sidney J. Collins	Joe Hall
Eli Berry	Elkanah Dickey	Elwood Hamilton
Thos. M. Bertram	G. L. Drury	V. D. Hammond
E. Bishop	J. H. Elder	A. B. Hatton
Hiram Brown	Eli Farmer	L. B. Herrington

A. B. Holland	R. C. McClure	Walter S. Sinclair
W. J. Jackson	C. B. Nichols	W. Scott Smith
John G. Kelley	J. R. Paxton	Adam Spahn
W. E. King	W. V. Perry	John G. Stoll
Charles H. Knight	William A. Perry	E. B. Thompson
F. A. Lochry	Marion F. Pogue	D. B. Thurman
Hugh Mahin	John A. Polin	Yeaman Watkins
B. J. Matthews	W. A. Price	E. B. Wiley
Emanuel Meyer	Stanley F. Reed	B. S. Wilson
S. F. Middleton	Robert H. Scott	—56

Resolved that the title thereof be as aforesaid.

Mr. ..... moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Wallace Brown of the Committee on Rules called up for consideration from the Orders of the Day a bill entitled,

H. B. 228. An act to repeal portions of and amend Article 3, Chapter 113, entitled "Board of Education" Carroll's Kentucky Statutes, 1909, and to establish a new State Board of Education with increased powers, to make more efficient the common system of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present State Board of Education be and is hereby abolished, and that a State Board of Education be substituted therefor, consisting of seven members as follows: The State Superintendent of Public Instruction Ex-officio

Chairman; The Commissioner of Agriculture; three professional school men and two other persons not engaged in educational work, to be appointed by the State Superintendent of Public Instruction, to serve during the term of office for which he shall have been elected.

§ 2. The Kentucky State Board of Education thus constituted shall be a body politic and coroprate by that name and shall have general supervision and inspection of the public schools of the State, including the educational departments of the State schools for the deaf, dumb and blind.

§ 3. The corporation shall take hold and dispose of real or personal estate for the benefit of the common schools of the State. Bonds, certificates of stock and other evidences of property held by the Board for common school purposes, shall be in the custody of the chairman and the place of deposit shall be shown by the records of the Board.

§ 4. The Board shall meet on the written call of the chairman and four members shall constitute a quorum and may control its corporate action at any regular or called meeting of the Board of which all of the members shall have had timely notice in writing.

§ 5. The State Board of Education thus constituted shall be empowered to take over the duties of that body known as the State Reading Circle Board, heretofore governed by the Kentucky Educational Association, incorporated, and they shall prescribe and publish graded school courses of study, for public, elementary and high schools of the State, which courses of study shall be observed by the teachers and enforced by the county superintendents and other school officers of the State. They shall advise with, approve the acts of, and have general supervision of, through

the proper agencies hereinafter or hereinbefore provided by law, the offices of the county superintendents, the county boards of education and the offices of all school officials in this State and all money or moneys appropriated for school purposes, directly or indirectly, from the State Treasury or from any city, town or county source whatever, as may be regarded as coming within the scope of the common school system of Kentucky. They shall approve the appointment by the State Superintendent of Public Instruction, of a State Board of Examiners, consisting of two professional school men, who shall be paid out of the fees derived from the holding of examinations for State certificates and State diplomas and in addition, their necessary contingent expenses as may be approved and audited by the State Board of Education, which expenses shall be paid by the Treasurer of the State and charged to the account of the common school fund of the State.

They shall have power to determine the qualifications of and to issue such certificates to teachers in the public high schools of the State, through the State Board of Examiners on such examinations held under such rules and regulations as they may prescribe for said Board of Examiners. They shall have power to arrange to recognize teachers' certificates of other States and shall have power to approve or disapprove such certificates of qualification as may be recognized by county superintendents and county boards of education. They shall have power to authorize the County Boards of Education, to establish subdistricts in which the number of pupils may be less than forty pupils, in cases of extreme emergency. They shall have power to co-operate with the proper school officials of the county and in districts in the county outside of the six classes of cities, looking to the abolishment or establishment of graded common school districts where the conditions do or do not justify the con-

tinuance of such schools and where the approved high school course can or cannot, under these conditions, be properly maintained. They shall have power to approve the action of county superintendents in laying off boundaries having a number of subdistricts, for the purpose of submitting to the voters, the proposition of a tax sufficient to provide for the consolidation of the schools within the said boundary, and to make proper provision for the transportation to and from, of pupils within said boundary, containing the said consolidated school. They shall have power to approve the acts of, and co-operate with the county boards in the establishment of fractional subdistricts where two or more counties may come together as hereinbefore or hereinafter provided by law, for the establishment of said fractional subdistricts. They shall co-operate with the State Board of Health in all matters of sanitation and in all matters of health in the public schools of the State.

§ 6. The State Board of Education thus constituted shall be a standing committee with power to prepare rules, by-laws and regulations for the management, control and administration of the common schools of this State, which shall be adopted and enforced under the authority and direction of all school officials of the State.

§ 7. The State Board of Education shall be called together by the Superintendent of Public Instruction and all contingent expenses necessary thereto, shall be paid out of the common school funds of the State, and charged to the contingent expenses of the State Department of Education. The State Board of Education shall have power to make such rules and regulations in all matters herein described which shall be in force and effect, law, putting into operation in the State of Kentucky an effective and practical compulsory attendance, in whatever way they may deem fit and in whatever

way, as may be hereinbefore or hereinafter provided by law, as may conduce thereto. All rules, by-laws and regulations promulgated by the State Board of Education for the administration of the common schools of Kentucky not in conflict with other laws, shall be laws in force and effect until annuled or repealed by legislative act.

All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. Pogue for and on behalf of the Committee on Education No. 1, offered an amendment to said bill by way of substitute therefor.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Article 3, Chapter 113, of Kentucky Statutes of Carroll's Edition of 1909, the same being Sections 4377, 4378, 4379, 4389, 4381, 4382 and 4383, of said Kentucky Statutes, be and the same is hereby repealed, and the following is enacted in lieu thereof, to-wit:

1. That a State Board of Education consisting of seven members is hereby established as follows: The State Superintendent of Public Instructions, Chairman Ex-officio; the Commissioner of Agriculture; three professional school men and two other persons not engaged in educational work, to be appointed by the State Superintendent of Public Instruction, to serve during the term of office for which he shall have been elected.

2. The State Board of Education thus constituted shall be a body politic and corporate by that name, and shall have

general supervision and inspection of the public schools of the State, including the educational departments of the State schools for the deaf, dumb, and blind.

3. The State Board of Education shall take, hold and dispose of real and personal estate for the benefit of the common schools of the State. Bonds, certificates of stock and other evidences of property held by the Board for common school purposes shall be shown by the records of the Board.

4. The Board shall meet on the written call of the chairman, and four members shall constitute a quorum and may control its corporate action at any regular or called meeting of the Board of which all of the members shall have due notice in writing.

5. The State Board of Education thus constituted shall be empowered to take over the duties of that body known as the State Reading Circle Board, heretofore governed by the Kentucky Educational Association, incorporated, and it shall prescribe and publish graded school courses of study for public elementary and high schools of the State, which courses of study shall be observed by the teachers of the State and enforced by the county superintendents and other school officers of the State. It shall advise with, inspect and have general supervision of the offices of the county superintendents, the county boards of education, and the offices of all school officials in this State, and all money or moneys appropriated for school purposes, directly or indirectly from the State Treasury, or from any source whatever coming within the scope of the common school system of Kentucky. It shall approve the appointment by the State Superintendent of Public Instruction, of a State Board of Examiners, consisting of two professional school men, who shall be paid out of the fees derived from the holding of examina-

tions for State certificates and State diplomas and in addition their necessary expenses as may be approved and audited by the State Board of Education, which expenses shall be paid by the Treasurer of the State and charged to the account of the common school fund of the State.

It shall have power to determine the qualifications of and to issue such certificates to teachers in the public high schools of the State, through the State Board of Examiners on such examinations held under such rules and regulations as it may prescribe for said Board of Examiners. It shall have power to recognize teachers' certificates of other States and shall have power to approve or disapprove such certificates of qualification as may be recognized by county superintendents and county boards of education. It shall have power to authorize the County Boards of Education to establish subdistricts in which the number of pupils may be less than forty pupils, in cases of extreme emergency. It shall have power to co-operate with the proper school officials of the county and in districts in the county outside of the corporate limits of all incorporated towns the abolishment or establishment of graded common school districts where the conditions do or do not justify the continuance of such schools and where an approved high school course can or cannot, under these conditions, be properly maintained. It shall have power to approve the action of county superintendents in laying off boundaries having a number of subdistricts, for the purpose of submitting to the voters the proposition of a tax sufficient to provide for the consolidation of the schools within the said boundary, and to make proper provision for the transportation of pupils within said boundary, containing the said consolidated school. It shall have power to approve the acts of, and co-operate with the county boards in the establishment of fractional subdistricts where two or more counties may come together as may be provided by law,

for the establishment of said fractional subdistricts. It shall co-operate with the State and Local Boards of Health in all matters of sanitation and in all matters of health in the public schools of the State.

6. The State Board of Education thus constituted shall have power to prepare rules, by-laws and regulations for the management, control and administration of the common schools of this State, which shall be adopted and enforced under the authority and direction of all school officials of the State.

7. The Superintendent of Public Instruction or three members of the State Board of Education, may call a meeting of said Board and all the necessary expenses of the members of the Board incurred in attending the meetings of the Board shall be paid out of the common school funds of the State and charged to the contingent expenses of the Department of Education. The State Board of Education shall power to make such rules and regulations as it may deem necessary to put into operation and effect in the State of of Kentucky all rules and regulations and all statutes providing for the attendance of all pupil children required to be in attendance in the common schools of this Commonwealth.

All laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

E. Bishop	D. Clarence Gray	W. Scott Smith
H. C. Blades	William J. Kuh	E. B. Thompson
Sidney G. Clay	William A. Perry	Yeaman Watkins
Sidney J. Collins	W. A. Price	B. S. Wilson

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Those who voted in the negative were—

William Ahl	Joe Hall	R. C. McClure
Robert H. Akin	Elwood Hamilton	Luther C. Owings
Eugene G. Asher	V. D. Hammond	J. R. Paxton
P. L. Atherton	A. B. Hatton	W. V. Perry
George Baker	L. B. Herrington	John A. Polin
J. M. Bean	A. B. Holland	S. H. Rogers
Eli Berry	John W. Holland	Robt. H. Scott
A. V. Bertram	W. J. Jackson	W. H. Shanks
Hiram Brown	Green R. Keller	Walter S. Sinclair
Wallace Brown	John G. Kelley	Adam Spahn
C. W. Burton	W. E. King	A. H. Stamper
Henry Chunn	M. C. Kirk	John G. Stoll
Elkanah Dickey	F. A. Lochry	D. B. Thurman
G. L. Drury	Hugh Mahin	J. H. Williams
J. H. Elder	B. J. Matthews	Charles Yancy
Eli Farmer	Emanuel Meyer	Edward L. Young
S. Walton Forgy	Harry J. Meyers	
T. J. Gregory	S. F. Middleton	

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And so said bill was rejected.

Mr. W. V. Perry moved that the vote which the House refused to pass said bill be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Nichols of the Committee on State University and Normal Schools reported a bill entitled,

H. B. 542. An act for the benefit of the State University at Lexington, Kentucky.

Said bill was read the first time at length and ordered to be placed on the Calendar.

Mr. Atherton offered the following resolution, viz.:

Whereas, the Democratic Ways and Means Committee of the National House of Representatives having introduced a bill taxing incomes called the Underwood Excise tax bill, and

Whereas, it is good democratic doctrine that persons or co-partnerships having considerable incomes should assist in bearing the burdens of taxation for purposes of government,

Therefore, be it resolved that this House endorse the Underwood Excise Bill and urge our Representatives in Congress to vote for it.

Said resolution was adopted.

Mr. H. J. Meyers moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 4, 1912.

The House was opened with prayer by the Rev. C. C. Penick of the Protestant Episcopal Church of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Robertson offered the following resolution, viz.:

Resolution providing for furnish Official Manuals.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian in hereby authorized and directed to purchase at not exceeding one dollar per copy five hundred copies of the book entitled "Official Manual" for the use of the Court, State and County officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials as may be designated by the presiding officers of the respective Houses, a copy of the same and will furnish the State Officials with copies thereof and send a copy thereof to the Clerk of the County Court of each county of the State kept in his office.

The Librarian will furnish to the Librarian of each State and territory in the union a copy of said book in exchange for similar books from the said States and territories and a copy to the Librarian of Congress.

§ 2. It being necessary that the officials should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Ordered that said resolution lie on the Clerk's desk.

A message was received from the Senate announcing that they had passed bills which had originated in the House of Representatives of the following titles, viz.:

H. B. 244. An act to regulate the business of insuring or guaranteeing burial or burial expenses.

H. B. 119. An act providing for the supplying of the records of County Suveyors where same had been destroyed.

H. B. 131. An act to define the duties of the County Surveyor in counties containing more than two hundred thousand population and to provide compensation for them.

H. B. 76. An act establishing and governing the Geological Survey in Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky.

With amendments to the last named bill.

That they had adopted a resolution and passed bills of the following titles, viz.:

1. S. Res. 19. Resolution for the benefit of Mrs. Sallie M. Hickman, widow of G. W. Hickman, deceased.

2. S. B. 155. An act to give the consent by the State of Kentucky to the acqusition by the United States of such lands

as may be needed for the establishment of the National Forest Reserve.

3. S. B. 175. An act to amend Section 4143 of the Kentucky Statutes.

4. S. B. 229. An act to amend an act entitled An act providing the manner of adding one additional judge to Circuit Courts of continuous session in counties constituting separate judicial districts having one judge and establishing the division thereof, approved March 6, 1906.

5. S. B. 243. An act to authorize and to add one additional judge to the Circuit Court for the Seventeenth Circuit Court District providing for the appointment and election thereof.

Said resolution and bills were ordered to be printed and referred,

1. To Committee on Appropriations.

2. To Committee on Forestry.

3. To Committee on Revenue and Taxation.

4. To Committee on Judiciary.

5. To Committee on Judiciary.

Mr. Forgy moved that George Howard Mauger, grandson of the Hon. R. C. McClure, leader of the Minority in this House, be appointed a Page of this House for this day without pay and that he be granted the privileges of the floor for this day.

Said motion was agreed to.

The House took up for consideration from the calendar bills of the following titles, viz.:

H. B. 382. An act to fix the time for holding Circuit Courts in the 31st Judicial District.

S. B. 11. An act changing and fixing the date for holding courts in the Twenty-seventh Judicial District of Kentucky.

H. B. 533. An act to amend and re-enact Section 1846, Article 1, Chapter 52, Kentucky Statutes, 1909, Carroll's Edition, relating to increase of penalties for failure of Fiscal Court to publish the financial condition of the county.

H. B. 515. An act to amend and re-enact Section 3650, Kentucky Statutes, providing for extending the boundaries of common school districts of cities of the fourth class.

S. B. 222. An act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for Assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth including the pay of Assistants to the Fire Marshal.

H. B. 430. An act to change the 29th and 11th Circuit Court Districts of Kentucky; and providing for the time for holding terms of Circuit Court in said districts.

H. B. 457. An act to amend Section 1501 of Carroll's Kentucky Statutes, 1909.

S. B. 340. An act to provide for the consolidation of trust companies organized under the laws of the State of Kentucky.

H. B. 535. An act to allow towns of the sixth class in the State of Kentucky to acquire lands adjacent to said towns by condemnation for the purpose of perfecting the disposal of sewage of said towns.

H. B. 542. An act for the benefit of State University, Lexington, Kentucky.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were read the second time by their titles and ordered to be placed in the Orders of the Day.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled resolutions and bills of the following titles, viz.:

S. Res. 18. Resolution to provide for assistance to George A. Lewis, Superintendent of Public Printing.

S. Res. 21. Resolution providing for the appointment of a Committee to investigate the feasability of extending the Street Railway in Frankfort to the Capitol grounds on the Shelby street side.

H. B. 49. An act appointing matrons for jails for cities of the first class.

Whereupon all other business was suspended, said resolutions and bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said resolutions and bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

Mr. Herrington called up for consideration from the Clerk's desk a bill which originated in the House entitled,

H. B. 76. An act establishing and governing the Geological Survey of Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky.

Together with the amendment proposed thereto by the Senate.

(For bill see House Journal, February 7th.)

The amendment proposed thereto by the Senate are as follows, viz.:

IN SENATE

Saturday, March 2, 1912.

H. B. Resolved that H. B. 76 do pass with the following amendments, viz.: Amended as follows:

§ 1. By striking out lines 5, 6 and 7 of Section 6 and substituting therefor the following: "Agriculture or other organizations or governmental departments, provided that

in each case agreed upon the said organization or department shall furnish an amount of money equal to that alloted for such work by this survey; and provided;"

Amend 2. By adding in line of Section 8, after the word "stationery," the words, "printing and maps."

Amend 3. Amend by striking from the title the words "and museum."

Resolved that the title of said bill be as follows:

All act establishing and governing a geological survey and removing the present survey from Lexington to Frankfort.

Said amendments were concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the final passage of said bill in accordance with provision of the Constitution are follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	T. J. Gregory
Robert H. Akin	Henry Chunn	Joe Hall
Eugene G. Asher	Sidney G. Clay	Elwood Hamilton
P. L. Atherton	Elkanah Dickey	A. B. Hatton
George Baker	G. L. Drury	L. B. Herrington
J. M. Bean	Ben F. Egleston	A. B. Holland
A. V. Bertram	J. H. Elder	James R. Howell
E. Bishop	John M. Farra	R. Dillard Hunter
H. C. Blades	S. Walton Forgy	W. J. Jackson
Hiram Brown	John F. Fryer	Green R. Keller
Wallace Brown	Allie T. Gaines	W. E. King

M. C. Kirk	W. N. McCubbin	Walter S. Sinclair
Charles H. Knight	Ben E. Niles	W. Scott Smith
James A. Leach	Luther C. Owings	Adam Spahn
J. Albert Leach	William A. Perry	A. H. Stamper
F. A. Lochry	Marion F. Pogue	John G. Stoll
Hugh Mahin	W. A. Price	C. B. Thompson
Emanuel Meyer	S. L. Robertson	D. B. Thurman
Harry J. Meyers	S. H. Rogers	J. H. Williams
S. F. Middleton	Robt. H. Scott	Charles Yancy
R. C. McClure	W. A. Shawler	—62

Those who voted in the negative were—

D. Clarence Gray	John G. Kelley	Yeaman Watkins

—3

The House took up for consideration from the Clerk's desk a bill entitled,

H. B. 53. An act appropriating money for acquisition of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal government for the purpose of establishing a Fish Hatchery.

Together with the amendments proposed thereto by the Senate.

(For bill see House Journal, January 26th.)

The amendments proposed to said bill by the Senate are as follows, viz.:

IN SENATE

February 14, 1912.

Resolved, that House Bill 53 do pass with the following amendments, viz.:

1. Amend Section 2, line 2, of said bill, by striking out the words "shall have the right to set aside," and insert in lieu thereof the words "is authorized and directed to convey by proper deed."

2. Amend Section 2, line 3, by striking out the words "for the use of," and insert in lieu thereof the word "to."

3. Amend Section 2, line 5, by striking out the words "so set aside," and insert in lieu thereof the word "convey."

4. Amend Section 2, line 7, by changing the period after the word "held" into a comma, and insert thereafter the words "and shall stipulate that."

5. Amend Section 2, line 9, by striking out the words "set aside," which appear after the word "so" and insert in lieu thereof the word "conveyed."

6. Amend Section 3, line 1, by striking out the figure "1," after the word "February," and insert in lieu thereof the figures "15th."

7. Amend Section 3, line 2, by striking out the words "accept this proposition," and insert in lieu thereof the words "deed said property as aforesaid."

Said amendments were severally concurred in.

Said bill was then as amended finally passed.

The yeas and nays being taken on the final passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	A. B. Hatton	William A. Perry
Eugene G. Asher	L. B. Herrington	Marion F. Pogue
P. L. Atherton	A. B. Holland	John A. Polin
George Baker	John W. Holland	W. A. Price
J. M. Bean	James R. Howell	S. L. Robertson
Eli Berry	R. Dillard Hunter	S. H. Rogers
Thos. M. Bertram	Earl C. Huntsman	Robt. H. Scott
E. Bishop	W. E. King	W. A. Shawler
H. C. Blades	M. C. Kirk	Walter S. Sinclair
Hiram Brown	Charles H. Knight	W. Scott Smith
Wallace Brown	William J. Kuh	Adam Spahn
C. W. Burton	James A. Leach	A. H. Stamper
George P. Chinn	F. A. Lochry	John G. Stoll
W. Frank Cole	Hugh Mahin	C. B. Thompson
Elkanah Dickey	B. J. Matthews	E. B. Thompson
J. H. Elder	Emanuel Meyer	D. B. Thurman
Eli Farmer	Harry J. Meyers	Louis B. Tieman
John M. Farra	S. F. Middleton	Yeaman Watkins
John F. Fryer	W. N. McCubbin	E. B. Wiley
Allie T. Gaines	C. B. Nichols	J. H. Williams
D. Clarence Gray	Ben E. Niles	Edward L. Young
Joe Hall	Luther C. Owings	
V. D. Hammond	A. W. Palmer	—67

Those who voted in the negative were—

Henry Chunn	T. J. Gregory	W. J. Jackson

—3

Mr. Herrington moved that the session of today be extended indefinitely.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 77. An act to regulate lobbying and the conduct of legislative counsel and agents in Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person, corporation or association which employs any person to act as counsel or agent to promote or oppose in any manner the passage by the legislative, or any legislation affecting the pecuniary interest of any individual, association or corporation, or to act in any manner as a legislative counsel or agent in connection with any such legislation, shall within one week after the date of such employment, cause the name of the person so employed or agreed to be employed, to be entered upon a legislative docket as hereinafter provided. It shall be the duty of the person so employed to enter or cause to be entered his name upon such docket upon the termination of such employment. Such fact may be entered opposite the name of any person so employed either by the employer or the employee.

§ 2. The Secretary of State shall prepare and keep two legislative dockets in conformity with the provision of this act, one of which shall be known as the docket of the legislative counsel before the committees, and the other as the docket of the legislative agents. In the docket of legislative counsel shall be entered the names of counsel or persons employed to appear at a public hearing before a committee of the legislature for the purpose of making an argument or examining witnesses, and also the names of any regular legal counsel of any person, corporation or association who act or advise in relation to legislation.

In the docket of legislative agents shall be entered the names of all agents employed for any purpose in connection with any legislation included within the terms of this act. In such dockets shall be entered the names and business addresses of the employer, the name, residence and occupation of the person employed, the date of the employment or agreement therefor, the length of time that the employment is to continue, if such time can be determined, and the special subject or subjects of legislation, if any, to which the employment relates.

Such dockets shall be public records and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the Secretary of State.

§ 3. Any person, corporation or association employing any legislative counsel or agent shall, whenever further subjects of legislation are introduced or arise which such counsel or agent is to promote or oppose, make or cause to be made additional entries beside his or its name in the appropriate docket, stating such special employment and specifically referring to the petitions, orders, bills or other subjects of legislation to which the same relates, and such entries shall also be made opposite the names of such counsel or agents in such manner that entries shall show all the subjects of legislation in relation to which any counsel or agent is employed.

No person shall appear as counsel before any committee of the legislature or of either branch thereof, or act as agent in respect to any legislation coming within the terms of this act unless his name appears upon the docket of legislative counsel or agent as employed in respect to such matter as above provided.

No person, private or public corporation or association shall directly or indirectly employ any person as a legislative counsel or agent in respect to any legislation coming within the terms of this act unless the name of such person is duly entered on the legislative docket as provided by this act.

No person shall be employed as a legislative counsel or agent for a compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the General Assembly, or of any committee thereof.

No person whose name is entered on the docket of the legislative counsel shall render any service as legislative counsel or agent otherwise than by appearing before a committee, and by doing work properly incident thereto, or by giving legal advice in the case of regular counsel of corporations or associations unless his name is also entered on the docket of legislative agents.

§ 4. Legislative counsel and agents required to have their names entered upon the legislative docket shall file with the Secretary of State within ten days after the date of making such entry a written authorization to act as such, signed by the person, coropration or association employing them.

§ 5. Within thirty days after the final adjournment of the legislature, every person, corporation or association whose name appears upon the legislative dockets of the session shall file with the Secretary of State a complete and detailed statement, sworn to before a notary public or justice of the peace by the person making the same, or in the case of a corporation by its president or treasurer, of all expenses

paid or incurred by such person, corporation or association in connection with the employment of legislative counsel or agents or in connection with promoting or opposing in any manner the passage by the legislative of any legislation coming within the terms of this act. Corporations and individuals within the provisions of this act shall render such accounts in such form as shall be prescribed by the Secretary of State, and such reports shall be open to public inspection.

§ 6. For entering the names of counsel or agents under this act the Secretary of State shall be entitled to fees as follows, to-wit:

§ 7. It shall be unlawful for any person employed for a pecuniary consideration to act as legislative counsel or legislative agent as defined by this chapter, to attempt personally, either directly or indirectly to influence any member of the legislative to vote for or against any measure pending therein or for or against any candidate for office at the hands of the legislature, otherwise than by appearing before the regular committees thereof, when in session, or by newspaper publications or by public addresses, or by written or printed statements, arguments or briefs delivered to each member of the legislature; provided, that before delivering such statement, argument or brief, twenty-five copies thereof shall be first deposited with the Secretary of State.

No officer, agent, appointee or employee in the service of the State of Kentucky, or of the United States, shall attempt to influence any member of the legislature to vote for or against any measure pending therein or to vote for or against any candidate for office before the said body excepting in the maner authorized herein in the case of legislative counsel and legislative agents.

§ 8. It shall be unlawful for any person employed for a pecuniary consideration to act as legislative counsel or agent, to go upon the floor of either house of the legislature, reserved for the members thereof while in session, except upon the invitation of such house.

§ 9. Any person, corporation or association violating any provision of this act shall for such offense be fined not less than two hundred nor more than five thousand dollars.

Any person employed as legislative counsel or agent, who shall fail to comply with any provision of this act, or who shall act as legislative counsel or agent contrary to the provisions of this act shall be fined not less than one hundred dollars nor more than one thousand dollars, and shall be disbarred from acting in the capacity of a legislative counsel or agent for the period of three years from the date of such conviction.

It shall be the duty of the Attorney General, upon information, to bring prosecutions for the violation of the provisions of this act.

The amendment heretofore proposed to said bill by way of substitute therefor by the Committee on Kentucky Statutes is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person retained or employed for compensation as counsel or agent by any person, firm, corporation or association to promote or oppose directly or indirectly the passage of bills or resolutions by either House, or to promote or oppose executive approval of such bills or resolutions,

shall, in each and every year, before any service is entered upon in promoting or opposing such legislation, file in the office of the Secretary of State, a writing subscribed by such counsel or agent stating the name or names of the person or persons, firm or firms, corporation or corporations, asociation or associations, by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered. No notice so filed shall be valid for more than thirty days after the adjuornment of the session of the legislature held in the year in which the same is filed. It shall be the duty of the Secretary of State to provide a docket to be known as the docket of legislative appearances, with appropriate blanks and indices, and to forthwith enter therein the names of the counsel and agents so retained and employed and of the persons, firms, corporations or associations retaining or employing them, together with a brief description of the legislation in reference to which the service is to be rendered, which docket shall be open to public inspection. Upon the termination of such employment the fact of such termination, with the date thereof, may be entered by direction of either such counsel or agent or of the employer. No person firm, corporation or association shall retain or employ an person to promote or oppose legislation for compensation contigent in whole or in part upon the passage or defeat of any legislative measure or measures. No person shall for compensation engage in promoting or opposing legislation, except upon appearance entered into accordance with the foregoing provisions of this section. And no person shall accept any such employment or render any such service for compensation contigent upon the passage or defeat of any legislative measure or measures. It shall be the duty of every person, firm, corporation or association within two months after the adjournment of the legislature to file in the office of the Secretary of State an itemized statement verified

by the oath of such person, or in the cause of a firm, of a member thereof, or in case of a domestic corporation or association of an officer thereof, or in case of a foreign corporation or association of an officer r agent thereof, showing in detail all expenses paid, incurred or promised, directly or indirectly, in connection with legislation pending at the last previous session, with the names of the payees and the amount paid to each, including all disbursement paid, incurred or promised to counsel or agents, and also specifying the nature of said legislation and the interest of the person, firm, corporation or association therein. The provision however, of this section, requiring docket entries shall not apply to duly accredited counsel or agents of counties, cities, towns, villages, public boards and public institutions. And the provisions hereof shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action. Every person, every member of any firm, and every association or corporation violating any provision of this section, and every person causing or participating in a violation thereof shall be guilty of a misdemeanor, and, in case of an individual, shall be punishable by imprisonment in a penitentiary or county jail for not more than one year or by a fine of not more than one thousand dollars, or by both, and, in case of an association or corporation, by a fine of not more than one thousand dollars. And in addition to the penalties hereinbefore imposed, any corporation or association failing to file the statement of legislative expenses within the time required, shall forfeit to the people of the State the sum of one hundred dollars per day, for each day after the expiration of the two months within which such statement is required to be filed, to be recovered in an action to be brought by the Attorney General.

Said substitute was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Bladés
Wallace Brown
Hiram Brown
C. W. Burton
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
S. Walton Forgy
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
A. W. Palmer
William A. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
J. H. Williams
Charles Yancy
Edward L. Young

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Those who voted in the negative were—

John F. Fryer —1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 70. An act to regulate by a Public Utilities Commission, telephone, telegraph and express companies.

Mr. W. V. Perry offered an amendment to said bill by way of substitute therefor.

Ordered that said substitute be printed and that said bill be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 385. An act to repeal an act providing for the pensioning under certain conditions policemen and the families of policemen in cities of the first class approved March 3, 1904, and to provide for the appointment of trustees and the raising or creation, the management and disbursement of a fund to be employed in pensioning under conditions provided policemen and the families of deceased policemen in cities of the first class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act providing for the creation, control and disposition of a fund to be used in pensioning, under certain conditions, policemen and the families of deceased policemen in cities of the first class," approved March 3rd, 1904, be, and the same is hereby repealed.

§ 2. That as soon as practical after the passage of this act, there shall be organized in connection with the police department in all cities of the first class in this Commonwealth, a board to be known as the Board of Trustees of the Policemen's Pension Fund, which board shall be composed of the Mayor, the Chairman of the Board of Public Safety, the City Treasurer, the Chief of Police and the Comptroller and said board shall select from its members a President and a Secretary. The City Treasurer shall be ex-officio treasurer of said board, and of the funds coming into its hands. The members of said board shall continue members thereof until their respective successors are elected, or appointed and qualified.

§ 3. There may be levied and set apart by the General Councils of all cities of the first class in this Commonwealth, for the year nineteen hundred and thirteen a tax of not more than one cent on each one hundred dollars of value of taxable property in said cities for said year, as a fund for the pensioning as hereinafter provided, of members of the police department, and the families of deceased members thereof, in said cities, and a like tax may be levied and set apart for the same purpose for each succeeding year until said fund shall have reached the sum of three hundred thousand dollars as of date the first of September, preceding, in which event the levy of said tax shall cease; but should said fund thereafter, as of the first of September in any year, fall below the sum of three hundred thousand dollars, then said tax may be levied for the next succeeding year and for each year thereafter

until said fund shall have again reached the sum of three hundred thousand dollars as of the first of September immediately preceding the time of making the usual tax levy in said cities, it being one of the purposes of this act to permit the amount of said fund to be kept at all times as near as possible to three hundred thousand dollars. All moneys withheld from officers, members or employes of the police department as punishment for any breach of discipline, misconduct or violation of the rules and regulations of said department shall be paid into said fund each month and credited upon the pay-roll of the department, payable to said fund for that purpose, and all fines imposed by the Board of Public Safety upon officers, members or employes of the Police Department, by way of discipline, and collectible from pay or salary, shall be paid into the treasury to the credit of said fund. Donations may also be made to said fund by gift or devise. Such donations, together with the payments aforesaid and the tax levy aforesaid, shall constitute and be kept as a fund to be called the Policemen's Pension Fund, and the board hereinbefore designated is hereby declared to be the trustee of said fund, and it shall have power and it shall be its duty, from time to time, to invest the same, in whole or in part, as it shall deem most advantageous, for the objects of the said fund; and it is empowered to take all necessary remedies in the premises.

§ 4. Said board shall have exclusive control and management of said fund, and may assess each member of the police department fifty cents per month while he is such member, to be deducted and withheld from the pay of each member so assessed, the same to be placed by the treasurer of each city of the first class to the credit of such fund, subject to the order of such board.

§ 5. Said board shall make all needful rules and regulations for its government in the discharge of its duties, and

shall hear and decide all applications for relief or pensions under this act, and its decisions on such matters shall be final and conclusive, and not subject to reveiw, revision or reversal, except by said Board, and a record shall be kept by its secretary of all the meetings and proceedings of said board.

§ 6. Said Board of Trustees shall have power to draw said pension fund from the treasury and may invest the same, or any part thereof, in the name of the Board of Trustees of the Policemen's Pension Fund, in interest bearing bonds of the United States, or the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the Treasurer of said Board, and shall be subject to the order of said board.

§ 7. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

§ 8. If any officer, member or employe of the police department, while in the performance of his duty, becomes temporarily totally disabled, physically or mentally, for service, by reason of service in such department, the Board of Trustees shall order the payment from said pension fund to such disabled officer, member or employe, monthly during such disability, not to exceed one year, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any officer, member or employe of the police department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such depart-

ment, so as to render necessary his retirement from service in said department, said Board of Trustees shall retire such disabled officer, member or employe from service in such police department. Provided, no such retirement on account of disability shall occur unless such officer, member or employe has contracted such disability through his service in the police department; and upon such retirement the Board of Trustees shall order the payment to such disabled officer, member or employe of such police department, monthly, from said pension fund, the sum of thirty dollars. If any officer, member or employe of said police department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or after having served in the department for fifteen consecutive years shall die, while in the service or on the retired list, from any cause, and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said Board of Trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if such officer, member or employe was unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead the father shall receive the entire thirty dollars, and if both living each shall receive fifteen dollars.

§ 9. If, at any time there shall not be sufficient money in the olicemen's Pension Fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be

so replenished as to warrant the payment in full to each of said beneficiaries.

§ 10. Whenever an active or retired policeman shall die, the Board of Trustees may appropriate from the pension fund a sum not exceeding one hundred dollars, to his widow or family, for funeral expenses, and may expend a sum of not exceeding fifty dollars for the expenses of the attendance of policemen at the funeral.

§ 11. No person shall be entitled to receive any pension from the said fund, except a regularly retired officer, member or employe, or a regular officer, member or employe in said police department, his widow and children under the age of fourteen years, and his dependent father or mother.

§ 12. The Treasurer of the Board of Trustees shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board, and the said books and accounts shall always be subject to the inspection of the board, or any member thereof. The Treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such Treasurer and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys, or other properties which may have come into his hands as Treasurer of said fund. Said bond shall be filed in the office of the Comptroller as other bonds, and may be

sued on in the name of said city, for the use of said board, or in the name of said board, or any person or persons injured by a breach thereof.

§ 13. It shall be the duty of such officer or offiers of the city as are designated by law to draw warrants on the Treasurer of said city on request in writing by said Board of Trustees, to draw warrants on the Treasurer of said city payable to the Treasure of said Board of Trustees, for all funds belonging to said pension fund as aforesaid.

§ 14. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrant signed by the President of said Board, and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the Board after having been duly entered on the records of the proceedings of the Board.

§ 15. The Board of Trustees shall make a report to the General Council of said city of the condition of said pension fund in the month of September in each and every year.

§ 16. No portion of said pension fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to, detained or levied by virtue of any attachment, execution, injunction, writ, interlocutory, or any other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

§ 17. It shall be the duty of the attorney for cities of the first class to give advice to the Board of Trustees of the Policemen's Pension Fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

§ 18. Said board shall organize as soon as practical after the passage of this act and take charge of all records, property and funds on hand or in process of collection as soon as realized, that belong, or pertain, to the Policemen's Pension Fund, as now constituted. All pensions that are now in force under the law heretofore existing are declared to be hereby ended and abolished. Provided, that all pensioners and beneficiaries under the laws hereby abolished, shall be continued as such by the board when organized under this act, if under the terms of this act, they would be entitled to apply for and receive pensions, or benefits, and said transferred pensioners and beneficiaries shall be subject to all the rates and provisions of this act in the same manner as if their claims had been originally allowed under same.

§ 19. If any section of this act shall be held invalid, such fact shall not affect any other section, it being the intention of the General Assembly, in enacting this act, to enact each section separately. And if any provision or exception contained in any section shall be held invalid, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separatively.

§ 20. Inasmuch as there exists great need of organizing at once a working pension system in the police departments of cities of the first class so as to give immediate relief to worthy and needy pensioners as contemplated herein, an emergency is declared to exist and this act shall take effect from and after its passage.

Mr. Emanuel Meyer offered the following amendment to said bill, viz.:

Amend Section 8, by striking out the words "thirty" wherever they appear and in lieu thereof insert the word "forty." Also amend same section, line 36, by striking out the word "fifteen" and insert in lieu thereof the word "twenty."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Thos. M. Bertram	Sidney G. Clay
Robert H. Akin	E. Bishop	W. Frank Cole
Eugene G. Asher	H. C. Blades	Elkanah Dickey
P. L. Atherton	Hiram Brown	Francis B. Douglas
George Baker	Wallace Brown	G. L. Drury
J. M. Bean	C. W. Burton	J. H. Elder
Eli Berry	George P. Chinn	John M. Farra
A. V. Bertram	Henry Chunn	S. Walton Forgy

John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
William A. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
D. B. Thurman
Yeaman Watkins
E. B. Wiley
J. H. Williams
Charles Yancy
Edward L. Young
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Resolved, that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 386.. An act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an act entitled an act to amend an act for the government of cities of the first class approved July 1, 1893, for the better government, administration and disposition and discipline of the fire department and to create and perpetuate a pension fund for disabled firemen, their widows and children, their fathers and mothers.

Together with the amendment heretofore proposed thereto by the Committee on Municipalities.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the first class,' approved July 1, 1893, for the better government, administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members thereof after a service of a term of years," approved February 19, 1902, be, and each and all of said sections is, and are, hereby repealed.

§ 2. There shall be organized in connection with the fire department in all cities of the first class, a board to be known as the Board of Trustees of the Firemen's Pension Fund, which shall be composed of the Mayor, Chairman of the Board of Safety, City Treasurer, Chief Fireman and Comptroller, and said board shall select from their number a President and a Secretary. The City Treasurer shall be ex-officio Treasurer of said board and the funds coming into its hands.

§ 3. There may be levied and set apart by the General Council of cities of the first class a tax for the year nineteen hundred and thirteen, not exceeding one cent on each one hundred dollars of value of the taxable property in said cities for said year as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and dependent children under the age of fourteen years, and dependent fathers and mothers of deceased members of the fire department of said cities, and a like tax may

be levied and set apart for the same purpose, for any succeeding year when the amount and value of property to the credit of the Firemen's Pension Fund falls below three hundred thousand dollars as of the date of the first of September preceding; that is, if, during any year succeeding nineteen hundred and twelve, there shall be to the credit of the Firemen's Pension Fund on September 1, property and funds of less value than three hundred thousand dollars, then the General Council of cities of the first class may levy and set apart for the year succeeding a tax of one cent on each one hundred dollars of value of the taxable property in said cities where said condition occurs for said year as a fund for the purposes herein defined. And all moneys withheld from the officers, members or employes of the fire department as punishment for any breach of discipline, misconduct or violation of the rules and regulations for said department shall be paid into said fund each month and credited upon the payroll of the department, payable to said fund for that purpose; and all fines imposed by the Board of Public Safety upon officers, members or employes of the fire department, by way of discipline, and collectable from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, members or employe of the fire department (except when specially allowed by the Board of Public Safety to be retained by such members) shall be paid into the treasury to the credit of the Firemen's Pension Fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the Firemen's Pension Fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem advantageous for the objects of said fund, and they are empowered

to make all the necessary contracts and to take all the necessary remedies in the premises.

§ 4. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid, or assessed for the relief or pensioning of disabled members of the fire department, their widows and dependent children under the age of fourteen years, or dependent fathers or mothers, and may assess each member and substitute of the fire department fifty cents per month while he is a member or substitute of the department, to be deducted and withheld from the pay of each member or substitute so assessed, the same to be placed by the treasurer of each city to the credit of such fund, subject to the order of such board.

§ 5. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decision on such applications shall be final and conclusive, and not subjected to revision or reversal, except by said board, and a record shall be kept of all the meetings and proceedings of said board.

§ 6. The said Board of Trustees shall have power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the Board of Trustees of the Firemen's Pension Fund, in interest-bearing bonds of the United States or the State of Kentucky, or any city of the first class in the State of Kentucky and all such securities shall be deposited with the treasurer of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

§ 7. Both the principal and interest of said pension fund shall be applicable to the payment of pension under this act.

§ 8. If any officer, member or employe of the fire department, while in the performance of his duty, becomes temporarily, totally disabled, physically or mentally for service by reason of service in such department, the Board of Trustees shall order the payment to such disabled officer, member or employe monthly, during such disability, not to exceed one year, from such pension fund, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any member or employe of the fire department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said Board of Trustees shall retire such disabled member from service in such fire department. Provided, no such retirement on account of disability shall occur unless said member has contracted said disability through his service in the fire department; and upon such retirement the Board of Trustees shall order the payment to such disabled member of such fire department, monthly, from such pension fund, a sum of thirty dollars per month. If any member of said fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatever as the result of his service in said department, and while in said service, or after having served in the department for fifteen consecutive years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said Board of Trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, of thirty

dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if said deceased member was unmarried, and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire dollars, and if both be living, each shall receive fifteen dollars.

§ 9. If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

§ 10. Whenever an active or retired fireman shall die as aforesaid, the Board of Trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

§ 11. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in said fire department, his widow and children under the age of fourteen years, and his dependent mother or father.

§ 12. The Treasurer of the Board of Trustees shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to

the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the Comptroller as other bonds, and may be sued on in the name of said city, for the use of said board or in the name of said board, or any person or persons injured by a breach thereof.

§ 13. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said Board of Trustees, to draw warrants on the treasurer of said city payable to the treasurer of said Board of Trustees for all funds belonging to said pension fund as aforesaid.

§ 14. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the Board of Trustees only upon warrant signed by the President of said board and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the board after having been duly entered on the records of the proceedings of the board.

§ 15. The Board of Trustees shall make a report to the General Council of said city of the condition of said pension fund, in the month of September of each year.

§ 16. No portion of said pension fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State, for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

§ 17. It shall be the duty of the attorney for cities of the first class to give advice to the Board of Trustees of the Firemen's Pension Fund in all matters pertaining to their duties and management of said fund and whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

§ 18. Said board shall organize as soon as practical after the passage of this act and take charge of all records, property and funds on hand or in process of collection as soon as realized, that belong, or pertain, to the Firemen's Pension Fund, as now constituted. All pensions that are now in force under the law heretofore existing are declared to be hereby ended and abolished. Provided, that all pensioners and beneficiaries under the laws hereby abolished, shall be continued as such by the board when organized under this act, if under the terms of this act, they would be entitled to apply for and receive pensions, or benefits, and said transferred pensioners and beneficiaries shall be subject to all the rates and provisions of this act in the same

manner as if their claims had been originally allowed under same.

§ 19. If any section of this act shall be held invalid, such fact shall not affect any other section, it being the intention of the Generally Assembly, in enacting this act, to enact each section separately. And if any provision or exception contained in any section shall be held invalid, such fact not affect the remaining portion of said section, it being the intention of the Generally Assembly to enact each section of this act and each proviso and exception thereof separately.

§ 20. Inasmuch as there exists great need of organizing at once a working pension system in the fire departments of cities of the first class so as give immediate relief to worthy and needy pensioners as contemplated herein, an emergency is declared to exist and this act shall take effect from and after its passage.

Said amendment as proposed by the Committee is as follows:

Amend so as that said bill will include cities of the second class.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
C. W. Burton
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
Joe Hall
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Green R. Keller
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
R. C. McClure
W. N. McCubbin
Ben E. Niles
Luther C. Owings
A. W. Palmer
William A. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
C. B. Thompson
E. B. Thompson
D. B. Thurman
Yeaman Watkins
J. H. Williams
Charles Yancy

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 202. An act creating Boards of Education for cities of the second class, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith.

Together with the amendments theretofore proposed thereto by the Committee on Municipalities.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each city in this State of the second class, together with the territory now within its limits, or which may, in the future, be included by any change in these limits, shall be and constitute a single school district, and the supervision and government of common schools and common school property therein shall be vested in a board of five trustees to be called and known as the "Board of Education of ..... Kentucky" (in which title the name of such city shall be inserted). Such Board of Education shall be a body coroprate and shall have power, by and in said name, to sue and be sued, contract and be contracted with, purchase, receive, hold and sell property, do all things necessary to accomplish the purpose for the attainment of which such school district is organized, and succeed to all the property, property rights and privileges, of whatever kind or nature, granted and belonging to any previous corporation, board of education or school district in such city, or officers thereof, authorized or empowered by any enactment of the General Assembly of the State to do anything in reference to public education. Provided, That all pending suits to which any such previous corporation, board of education or school district or officers thereof, is a party, may be prosecuted to an end in the name of such party. All titles to property previously granted to such city by the United States, of this State, for common school purposes, and the title to all school lands and other property of every kind, shall be vested in the Board of Education established by this act.

§ 2. Every such Board of Education shall have general and supervising control, government and management of the

public schools, including kindergartens, night and normal schools and high schools as hereinafter provided, and public school property in such city, with the right to use said property to promote public education in such ways as it may deem necessary and proper; shall exercise generally all powers in the administration of the public school system therein, appoint such officers, agents and employees as it may deem necessary and proper and fix their compensation and term of office; shall have power to fix the time of its meetings, to make, amend, and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the public schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws, when not inconsistent with the general law of the State, shall be binding on such Board of Education and all parties dealing with it until formally repealed by an affiramtive vote of four members of said Board; to provide for special and standing committees; to provide for the appointment of a medical inspector for the schools and to take such other steps as may be proper and necessary to secure and maintain the physical welfare of the pupils therein; to certify to the General Council or the Board of Commissioners the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, deemed by it necessary for the purposes of public education, or for the investment of the public school funds, to build and construct improvements for such purposes, and to hold or sell the same.

§ 3. It shall also have power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which said board is

created, to institute condemnation proceedings in accordance with the law governing railroad corporation operated or incorporated under the existing laws of this Commonwealth, or under laws which may hereafter be enacted; and to have in such proceedings the same rights, powers, privileges and restrictions, as are now granted to or conferred upon such railroad corporations. Such Board of Education shall have all the powers of other school districts under the laws of this State, except as herein provided.

§ 4. No person shall be eligible to the office of member of the Board of Education who has not attained the age of twenty-four (24) years, and who is not a citizen of the United States, and who has not been such citizen for at least three years preceding his election, and a resident of the city for which he is elected, or who holds or discharges any office, deputyship or agency under the city or county of his residence; except that any member of said board, or any existing board, shall be eligible for re-election; no person shall be eligible to this office who at the time of his election is directly or indirectly interested in any contract with or claim against said board, or who is, directly or indirectly, interested in the sale to the board of books, stationery or other property. If, at any time, after the election of any member of said board, he shall become interested in any such contract with or claim against said board, or if he shall after election become a candidate for any office or agency or for the nomination thereto, the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he shall move his residence from the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, his office shall without further action be vacant, and it shall be filled as herein directed: Provided, That no member of said board shall vote regarding the appointment or employment in any capacity

of any person related to said member as father, mother, brother, sister, husband, wife, son or daughter, nor shall any member of said board hold any office of position of emolument under appointment of said board.

§ 5. Every member of said board shall, before assuming the duties of his office, qualify by taking the following oath which shall be kept on record in such board:

STATE OF KENTUCKY,

COUNTY OF .....

....., being duly sworn says

that he is eligible under the law to serve as a member of the Board of Education, and that he will not, while serving as a member of such board, become interested directly or indirectly in any contract with or claim against said board, and that he will not be influenced during the term of office by any consideration except that of merit or fitness in the appointment of officers or engagement of employes, and that he will support the Constitution of the United States and of this State and faithfully perform the duties of his office.

.....

Sworn to and subscribed before me this ....day of.....

.....

§ 6. No compensation shall be paid to the members of the board, but they shall be exempt from jury duty and from service as election officers during their term of office.

§ 7. The members of said Board of Education shall be elected from the city at large for the term of four years, except as specified in Sections 8 and 9 of this act, by the legal voters of such city. They shall be elected from the city at large without reference to wards or other territorial subdivisions, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provision of this act.

§ 8. All elections for members of the Board of Education shall be by secret ballot. Said ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the county clerk of any county, in which a city of the second class is situated, to cause to be printed on said ballot the names of all candidates for membership of the Board of Education of such city, in whose behalf he may be petitioned so to do in writing, by not less than one hundred legal voters of such city. The petitioners must be filed in the office of the county clerk not more than sixty and not less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled. If the nomination is to fill a vacancy, the petition shall so state. When the same person shall be nominated for a full term and to fill a vacancy, he shall be accepted as a candidate for the full term.

Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party emblem or other emblem or distinguishing mark shall be placed upon said ballot, save the words "School Ticket" at the head thereof; and that the names of all candidates for membership in the Board of Education shall be printed

on said ballot in a single column. The names shall be printed on the first fifty ballots as arranged in alphabetical list. On each of the succeeding fifty ballots the names shall be printed in the same order, save that the last name on the preceding fifty ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every fifty ballots; and such ballots shall be so bound that in the book of ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

The provision of the general election law of the State of Kentucky as to the duties of county clerks and other public officers in the matter of printing and distributing ballots, of issuing them to voters, of receiving and depositing them in the ballot boxes and of counting and preserving them, and in other particulars except as otherwise provided herein, shall be applicable in all respects to the election of members of the Board of Education: Provided, That it shall be the duty of the sheriff of each county in which a city of the second class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the Board of Education. And provided, further, That it shall be the duty of the judge of election of the opposite political faith to the clerk of election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election, by writing the name and residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for election generally. It shall be unlawful for an election officer or

other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars. And provided, further, That upon the filing with the county judge of the county wherein a city of the second class is situated of a petition signed by three hundred of the legal voters of said city, requesting that the election of members of the Board of Education in said city be held on a day other than the day for holding the general election therein, said county judge may make an order designating some day for the election of members of the Board of Education in said city, which day shall be not less than ninety nor more than one hundred and twenty days after the date whereon said order shall have been entered. Whenever such order shall have been entered by said court, the day so designated by him shall thereafter continue, unless changed by order of court as herein provided, to be the day for holding elections for members of the Board of Education, and all the provisions of this act and of the general law regulating elections in this Commonwealth, when not otherwise inconsistent, shall apply to and govern said election, except that it shall be the duty of the clerk of said election to issue said ballots in said separate elections in the same manner as other ballots are issued by him in general elections. Said petition to be filed with the county court, as aforesaid, shall be filed not later than the 1st day of September of the regular year or years for holding said elections begining with the year 1912, and shall show the place of residence of each person signing it, and the order of the county judge in reference thereto shall be entered within fifteen days after the filing of same. The expense of holding said separate elections, if ordered, as aforesaid, shall be paid for by the city wherein same shall be held out of its general fund.

§ 9. Each voter may vote for as many of said candidates as there are members to be elected, by making a cross in the square opposite the name of each candidate for whom he wishes to vote. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes, shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall, in all cases, be designated on the ballot as candidates to fill a vacancy, and the date of the unexpired term shall be stated.

§ 10. At the election occuring in the month of November, 1912, or on such date as may be fixed in 1912 by order of the county court according to the provisions of Section 8 of this act, five members of the Board of Education shall be elected as herein provided. After having qualified by taking the oath prescribed by law, they shall assume office on the first Monday in January, 1913, and shall meet at the office of the present Board of Education of said city on said day, and shall proceed to organize by electing one of their number president, and another vice-president. Within one week after the organization of said board, it shall meet to divide its members by lot in such manner as they shall determine into two classes, as follows: the first class consisting of two members shall hold office through the 31st day of December, 1914; the second class consisting of three members, shall hold office through the 31st day of December, 1916. At the election in 1914, and at each regular election held in each even numbered year thereafter, members shall be elected as hereinbefore provided to take the place of those whose terms will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified. At its first regular meeting after the first day of January in each year following said regular elections, said

Board of Education shall organize by electing one of its members president and another vice-president. The board shall hold meetings regularly at least once a month, and shall keep a correct record of its proceedings in a book provided for that purpose, which shall be a public record upon to inspection by any officer or citizen of the city.

§ 11. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reason satisfactory to the board, shall be deemed to have vacated his seat.

§ 12. Any vacancy in said board, from whatever cause occurring, shall be temporarily filled by the other members of the board as soon as practicable after such vacancy occurs. The member so chosen shall hold office until his successor is elected and qualified, subject to the provisions of Section 152 of the Constitution of Kentucky.

§ 13. When members of the Board of Education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of any then existing corporations, or board of education, or officers of the school district of such city to surrender their offices and to deliver to said Board of Education, or to its officers, agents or employees, all the public school property, both real and personal, of every kind whatsoever, and the control and management of the public, school affairs of such city. Provided, That until such Board of Education shall be organized, the administration of the public schools and the management of school property in such city shall remain in the control of any such existing corporation board of education or officers of the school district, in the same manner and with the same power as existed prior to the passage of this act; and the Board of Education elected

under this act shall continue, subject to removal for cause, the employment and service of any existing officers, teachers, agents, or other employees, in their several capacities in connection with the administration of school affairs, until the close of the school term then entered upon; and said Board of Education may thereafter retain without examination, or remove any agents, teachers, janitors, engineers, or other employees then rendering service in connection with the public schools of said city.

All rules and by-laws made by any existing corporation, board of education or officers of the school district, at such time vested in such city with the management of the public schools shall continue in force, so far as consistent with this act, until repealed or altered by such Board of Education.

§ 14. It shall be the duty of said Board of Education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regulation and manage of the schools and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered or set aside, only upon an affirmative vote of four (4) members of the board.

§ 15. The Board of Education shall appoint a superintendent of schools, whose term of office shall begin on July 1st, following his appointment and who shall serve for a term of two years, but whenever a superintendent who shall have served two years after the appointment which is to be made under this law shall be reappointed to succeed himself, his reappointment shall be for a term of four years. He may be removed by three (3) members of the board for cause, or at any time by four (4) members of the board, and the vacancy thus created shall be filled by the board only until

the first day of July following, when the temporary incumbent or some other person shall be appointed for a first term of two years as hereinbefore provided. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many assistant superintendents as it may deem necessary, whose compensation shall be fixed by the board, and who may be removed for cause by the superintendent with the approval of the board.

The superintendent of schools shall qualify by taking the oath prescribed by law, and shall have general supervision, subject to the control of the board, of the course of instruction, discipline and conduct of the schools, text books and studies; and all appointments, promotions and transfers of teachers and truant officers, and introduction and changes of text books and apparatus, shall be made only upon the recommendation of the superintendent and the approval of the board. The superintendent shall have power to suspend any teacher or truant officer for cause deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal, of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained as far as practicable, in cases of appointments, by examinations, and in cases of promotion, by length and character of service. Examinations for appointment shall be conducted by the superintendent in accordance with the State law for the certification of teachers and under such other regulations as may be made by the board. The superintendent of schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salary shall be fixed by the board, and shall have power to remove the same; shall exercise a general supervision over the schools of the city, examine their conditions and progress, and shall keep himself informed of the progress

of education in other cities. He shall advise himself of the need of extension of the school system of the city, shall make report from time to time as may be fixed by the rules or directed by the board, and shall be responsible to the board for the conditions of the instruction and discipline of the schools. The term "teachers" as used herein shall include supervisors, supervising principals and principals.

§ 16. The Board of Education shall appoint a business director whose term of office shall begin on July 1st following his appointment, and who shall serve for a term of one year; but whenever a business director who shall have served one year after the appointment which is to be made under this law, shall be reappointed to succeed himself, his reappointment shall be for a term of four years. He may be removed for cause by a vote of three members of the board, or at any time by a vote of four members of the board. His compensation shall not be changed during the term for which he is elected. The business director shall qualify by taking the prescribed oath, and shall be the executive officer of the board. He shall execute for the Board of Education, in the name of the board, its contracts and obligations, except that bonds issued shall be signed by the president of the board and attested by the business director; he shall see that all contracts made by or with said board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he shall oversee the construction of buildings in process of erection and repairs of buildings owned or controlled by the board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the board; and generally, shall execute and carry into effect all matters and things, authority for which shall have been granted by the board, as herein provided.

§ 17. The business director shall devote his entire time to the duties of his office, and shall receive an annual salary to be fixed by the board and payable monthly out of the school fund of the city. Before entering upon the discharge of the duties of his office he shall give a bond for the faithful performance thereof in a sum to be fixed by the board, with a bonding company as surety to be approved by the board, which bond shall be paid for by the board and deposited with the treasurer within ten days from date of election, to be preserved by him.

§ 18. Subject to the approval of the Board of Education as to the number and salaries, the business director shall have power to appoint such engineers, janitors and other employees and agents, as may be necessary for the proper performance of the duties of his department, for whom he shall be responsible, and whom he shall have power to remove. He shall appoint such assistants and deputies as may be authorized by the Board of Education, whose compensation shall be fixed by the Board. Such assistants and deputies shall be subject to removal by the business director, who shall be responsible for the proper performance of their duties. He shall perform such other duties as may be required of him by the board.

§ 19. All contracts for the erection of school buildings and additions thereto shall be made by said Board of Education, after public letting, to the lowest and best responsible bidder complying with the terms of the letting, but it may reject all bids. The necessary specifications and drawings shall be prepared for all such work, and bids therefor shall be solicited by such advertisement as the Board of Education may provide. All work of repairs, alterations and construction, other than said original erections and additions, in and upon school buildings and the grounds adjacent thereto,

shall be done directly by the business director, subject to the approval and control of the board, and, whenever directed to do so by said board, he shall solicit bids and prepare or secure drawings and specifications therfor. No bids shall be entertained by the business director which are not made in accordance with the specifications furnished by him, and all contracts shall be let to the lowest and best responsible bidder complying with the terms of the letting: Provided, however, That the said business director shall have the right to reject any and all bids.

§ 20. The Board of Education shall, at or prior to the beginning of each fiscal year, cause advertisements to be made under such regulations as it may provide, for proposals for furnishing the supplies, required in the schools and by the board for the ensuing year; and every contract therefor shall be awarded to the lowest and best responsible bidder complying with the terms of the letting: Provided, however, That said board shall have the right to reject any and all bids. If other supplies are required during the year, they shall be furnished under contract awarded in like manner; but the board may authorize the purchase of supplies not exceeding fifty dollars in amount without letting a contract. The board shall make distribution of supplies through such agencies and in such manner as it deems proper, and the board may contract for text-books or school apparatus for such term of years as it deems proper, provided this term does not exceed four years.

§ 21. The business director shall also act as secretary of the board, and as such, he shall, subject to the control of the board, inspect regularly the fiscal affairs of the public schools of the city, and shall have charge of the collection and payment of funds to the bank or trust company selected as the treasurer of the board, and the disbursement of all

revenues and moneys belonging to the board. He shall have supervision under the direction of the board, of any permanent school fund of the city, and the investment thereof, and all invested property of the board. He shall record the proceedings of the board in such manner as may be directed by the board and shall deposit daily in the designated depository of the board all money collected or received by him for the board. He shall furnish, at the beginning of each month, a statement of receipts and disbursements of the preceding month; and at the end of the fiscal year he shall make to the board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents, title papers, books or record and other papers belonging to the board, under such conditions as the board may direct. It shall be his duty to see that no liability is incurred or expenditure made without due authority of law, and that appropriations are not overdrawn, and that all expenditures are charged to the appropriations from which they should come.

§ 22. The Board of Education shall, in the month of June of each year, advertise for bids from the banks and trust companies in such city to act as treasurer and receive the current deposits of such board, to be secured by bonds with surety to be approved by the board, in an amount to be fixed by the board. Said bids shall specify the rate of interest to be allowed to said board on such deposits, the terms on which such deposits will be received, and the nature of the security offered; and such deposits shall be annually awarded to the bank or trust company that offers, with the required security, the highest rate of interest and the best terms therefor; and the board shall cause contracts for the ensuing year to be made with such bank or trust company so receiving the award of such deposits. All moneys due the board, from any source whatsoever, shall be paid to the sec-

retary who shall thereupon cause all funds received to be paid into such designated depository. The fiscal year of the board shall end on the 30th day of June of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year.

§ 23. The funds of the board deposited in bank shall be withdrawn only on the order of the board evidenced by the check of its business director, countersigned by the president of the board, or, in his absence or disability, by the vice-president.

§ 24. It shall be the duty of such Board of Education at the beginning of each fiscal year, to apportion the revenue available for that year to the different departments, for expenditure in support of the schools for that year, and no report or resolution shall be adopted by the board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the business director and that there is a balance in such fund available for such expenditure.

§ 25. The Board of Education shall have the power to borrow money on the credit of the board in anticipation of the revenue from school taxes for the fiscal half year in which the same is borrowed and pledge said school taxes for the payment of the principal and interest of said loan: Provided, That the interest paid shall in no case exceed six per cent per annum and the principal shall in no case exceed fifty per cent of the anticipated revenue for the fiscal half year in which the same is borrowed.

§ 26. To raise money for the maintenance of the schools the General Council or Board of Commissioners shall an-

nually cause to be levied and collected as the Board of Education may request as hereinafter provided, a tax of not less than thirty (30) cents on each one hundred ($100.00) dollars worth of property assessed for taxation for city purposes. It shall be the duty of the Board of Education annually to make a careful estimate of the probable amount of money necessary for conducting the schools and the business entrusted to the board during the current fiscal year, and it shall, prior to the first day of December, certify said amount to the General Council or Board of Commissioners with the request that a tax for schools sufficient to realize for said board the amount aforesaid shall be levied on each one hundred ($100.00) dollars worth of property assessed for taxation for city purposes, and that said levy shall be included in the annual ordinance for said year. If, in any year, the amount so certified and requested, shall represent a tax rate, as based upon the total assessment of taxable property for said year, greater than sixty cents for maintenance purposes, the General Council may fix the levy for schools at sixty (60) cents and disregard the excess. If, in any year, the board shall fail to make the certificate and request as aforesaid, the General Council or Board of Commissioners shall make a levy for schools that shall be the same as it was the year before.

§ 27. Upon the completion of the assessment of property for taxation, the amount levied as above, shall annually be passed to the credit of the school fund upon the books of the city, and the said amount, as collected, shall be paid over to the board by the treasurer of the city in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter, in current money by the said treasurer as collected.

§ 28. Whenever the Board of Education shall deem it necessary for the proper accomodation of the schools of each city to purchase a site to erect schoolhouses for the high schools or for the other schools, or for any or all these purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes and a bond issue is necessary, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the General Council or Board of Commissioners of said city of the fact that an election for an issue of bonds for school improvement shall be held, together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the General Council or Board of Commissioners to adopt an ordinance submiting to the qualified voters of the city at the next regular municipal election the question whether bonds of the city shall be issued for the purpose or purposes aforesaid. The bonds so issued shall be designated as "School Improvement Bonds" and the ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount to be issued; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity.

No submission of the question of issuing bonds hereunder shall be had prior to the regular municipal election in November, 1913, and the total outstanding issue of bonds for school purposes including bonds already issued, shall never exceed two hundred and fifty thousand dollars. The question to be submitted shall be so framed that the voter may, by his vote, answer For or Against.

If the voters of the city shall determine by a two-thirds majority of those voting that such bonds shall be issued, they shall, when so issued, be placed under the control of the Board of Education, who shall determine when and at what price and how they shall be sold: Provided, That no such bonds shall be sold for less than par: and, Provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirements. As the bonds are sold their proceeds shall be placed to the credit of the board in the same depository which is selected for its other funds, but shall be kept in a separate account and shall be used only for the purposes for which the bonds were issued. It shall be the duty of the General Council or the Board of Commissioners, in addition to the levy made for the maintenance of the schools as hereinbefore provided, to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid.

§ 29. For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the city's portion of the school fund of this Commonwealth.

§ 30. So much property in the city as, from any cause shall escheat to the Commonwealth of Kentucky, shall vest in the Board for the use and benefit of the public schools of the city. Said Board may, in the name of the Commonwealth, for the use and benefit of the said schools, by its President or other officer to be designated by it, enter upon and take possession of said property, or sue for and recover

the same by action at law or in equity, and without office found. The Board may sell and convey any of such property by warranty deed or otherwise.

§ 31. All officers of any city of the second class, and of the State, concerned with the assessment and collection of taxes, fines and penalties, shall perform such duties in relation to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said Board for school-purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this act, unless inconsistent therewith, shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing laws upon any Board in relation thereto shall be continued in the Board created by this act.

§ 32. At the close of each fiscal year of said Board, the Board of Commissioners or the General Council of such city shall appoint one or more expert accountants, who shall examine the books, accounts and vouchers of the Business Director and Secretary; the Treasurer and all other departments of expenditures of the Board, and shall make due report therof to the Mayor and Board of Education of such city. All the officers and employees of the Board shall produce and submit to such accountants for examination all books, papers, documents, vouchers and accounts in their office belonging to the same or thereto pertaining, and shall in every way assist said accountants in their work. In the report to be made by said accountants they may make any recommendation they deem proper as to the business methods of such officers and employees. A reasonable compensation for such services shall be paid by the Board.

§ 33. The Board of Education shall have power to establish and maintain kindergartens for children from four to six years of age, high schools, night schools for all residents of the city, and normal training classes for the purpose of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools and employ the principals and other teachers necessary for their efficient management.

§ 34. The Board of Education shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children. Said colored schools shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

§ 35. The Board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various schools.

The said Board shall have authority to make rules and regulations under which the Superintendent may furnish textbooks and other school supplies to children who are not otherwise able to obtain them.

§ 36. No catechism or other formula of religious belief shall be taught or inculcated, nor shall any class-book be used which reflects on any religious denomination.

§ 37. The Board shall have the power to admit to any school pupils from beyond the city limits and to collect for these pupils tuition fees for the benefit of the school fund

of the city. Children or persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the Board may require as aforesaid.

§ 38. A city of the second class being deemed one school district for taxation purposes and entitled to its proportion of the public school fund of the Commonwealth, the Board of Education of such city shall make detailed reports annually and special reports as required to the State Superintendent of Public Instruction. The Board shall also in the year 1913, and every third year thereafter, cause to be taken the census of children of school age and make returns thereof to the Superintendent of Public Instruction, and at the same time other school officers are required to make returns; and for neglect of duty the members of the Board shall be liable to the same penalties. This census shall be taken under regulations approved by the State Board of Education.

For the years in which no census is required to be taken, the Superintendent of Public Instruction shall determine the amount per capita to be paid over to the Board of Education of such cities, by adding annually to the number of children of school age as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding: Provided, however, That the Board of Education of any such city or the Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

§ 39. The Board of Education shall, at the end of such scholastic year, prepare and publish, for the information of

the public, a report which shall include the annual reports made to the Board by the Superintendent, Business Director and Secretary and the Treasurer, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the school during the preceding year.

§ 40. Any member, officer, or employee of such Board who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not more than five hundred dollars or imprisonment not exceeding one year, or by both fine and improsonment in the discretion of the jury.

§ 41. All testimony taken upon any investigation made by the Board or in any proceedings before the Board for the removal of any officer or employee of the Board, or in any investigation made by any committee of the Board, shall be under oath, which oath may be administered by the Secretary or any officer authorized to administer oaths.

Said Board, or any duly constituted commitee thereof, shall have the power in any investigation or proceedings before it concerning a matter which may be a proper subject of inquiry by it, to summon witnesses by subpoena and to enforce the compulsory attendance of said witnesses. Should any person so summoned refuse to attend or to produce a paper proper to be used as evidence in said investigation, or proceedings, or, being present, refuse to testify concerning any matter which may be a proper subject of inquiry, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten and not more than fifty dollars.

§ 42. The general school laws of this State and all laws and parts of laws applicable to the general system of public schools in a city of the second class and not inconsistent herewith, shall be in full force and effect in such city.

The amendments heretofore proposed thereto by the Committee are as follows, viz.:

1. Amend by striking out of Section 8 in lines 61 and 62 of the original bill the following words to-wit: "By 300 of the legal voters of the said city" and by inserting in lieu thereof the following to-wit: "A number of legal voters equal to twenty per cent or more of the total number of votes cast in said city at the last preceding election at which Presidential Electors were voted for."

2. Amend Section 13 by striking from lines 19 and 20 of the original bill the following words to-wit: "school term then entered upon" and insert in lieu thereof these words: "Term for which they have been elected."

3. Amend Section 13 by adding at the end of line 23 and before the period in said line the following words to-wit: "for cause to be stated in writing."

4. Amend Section 26 by striking therefrom the word "sixty" where they appear in lines 18 and 20 and inserting in lieu thereof in said lines the word "forty."

5. Amend Section 8 in line 65 by striking therefrom the word "may" and insert in lieu thereof the word "shall."

Said amendments were severally adopted.

Mr. Scott offered the following amendment to said bill:

Amend by striking out in line 1, Section 16, the word "shall" and insert in leiu thereof the word "may."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	John M. Farra	James A. Leach
P. L. Atherton	John F. Fryer	F. A. Lochry
George Baker	Allie T. Gaines	B. J. Matthews
Eli Berry	D. Clarence Gray	Emanuel Meyer
A. V. Bertram	T. J. Gregory	Harry J. Meyers
Thos. M. Bertram	Joe Hall	S. F. Middleton
E. Bishop	Elwood Hamilton	W. N. McCubbin
H. C. Blades	A. B. Hatton	C. B. Nichols
Hiram Brown	A. B. Holland	Ben E. Niles
Wallace Brown	John W. Holland	A. W. Palmer
George P. Chinn	James R. Howell	William A. Perry
Henry Chunn	R. Dillard Hunter	W. A. Price
W. Frank Cole	Earl C. Huntsman	S. L. Robertson
Elkanah Dickey	John G. Kelley	S. H. Rogers
Francis B. Douglas	M. C. Kirk	Robt. H. Scott
G. L. Drury	Charles H. Knight	W. A. Shawler
J. H. Elder	William J. Kuh	Walter S. Sinclair

W. Scott Smith	C. B. Thompson	Yeaman Watkins
A. H. Stamper	D. B. Thurman	J. H. Williams
John G. Stoll	Louis B. Tieman	E. B. Wiley

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 288. An act to create the Tenth Judicial District so as to include Metcalfe County in said District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created the Tenth Circuit Judicial District of Kentucky, which shall be composed of Barren, Bullitt, Hart, Larue, Metcalfe and Nelson Counties.

§ 2. That the regular term of court shall commence in each county in said district, at the following time, and continue, if the business require it, the number of days hereinafter prescribed, namely:

Barren County, at Glasgow, as follows: First Monday in March, eighteen juridical days; first Monday in July, twenty-four juridical days; first Monday in November, twenty-four juridical days.

Bullitt County, at Shepherdsville, as follows: First Monday in April, eighteen juridical days; first Monday in August, twelve juridical days; second Monday in December, eighteen juridical days.

Hart County, at Munfordville, as follows: First Monday in January, eighteen juridical days; fourth Monday in April, eighteen juridical days; first Monday in September, eighteen juridical days.

Larue County, at Hodgenville, as follows: Fourth Monday in January, twelve juridical days; third Monday in May, twelve juridical days; fourth Monday in September, twelve juridical days.

Metcalfe County, at Edmonton, as follows: Fourth Monday in March, six juridical days; third Monday in August, twelve juridical days; first Monday in December, six juridical days.

Nelson County, at Bardstown, as follows: Second Monday in February, eighteen juridical days; first Monday in June, twenty-four juridical days; second Monday in October, eighteen juridical days.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	P. L. Atherton	Eli Berry
Eugene Asher	J. M. Bean	A. V. Bertram

E. Bishop	T. J. Gregory	S. F. Middleton
S. Walton Forgy	Joe Hall	R. C. McClure
H. C. Blades	Elwood Hamilton	Ben E. Niles
Hiram Brown	V. D. Hammond	William A. Perry
Wallace Brown	A. B. Hatton	Marion F. Pogue
Wm. L. Bowling	A. B. Holland	John A. Polin
C. W. Burton	John W. Holland	W. A. Price
Henry Chunn	James R. Howell	S. L. Robertson
Sidney G. Clay	R. Dillard Hunter	S. H. Rogers
W. Frank Cole	W. J. Jackson	Robt. H. Scott
Elkanah Dickey	John G. Kelley	W. A. Shawler
Francis B. Douglas	W. E. King	W. Scott Smith
G. L. Drury	M. C. Kirk	A. H. Stamper
Ben F. Egleston	Charles H. Knight	John G. Stoll
J. H. Elder	James A. Leach	C. B. Thompson
John M. Farra	F. A. Lochry	Yeaman Watkins
John F. Fryer	B. J. Matthews	Charles Yancy
Allie T. Gaines	Emanuel Meyer	Edward L. Young
D. Clarence Gray	Harry J. Meyers	—62

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 211. An act, providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SHOT FIRERS IN COAL MINES.

§ 1. In all mines in this State where coal is blasted, a sufficient number of practical, experienced men, to be desig-

nated as shot firers, shall be employed by the company, and at its expense, whose duty it shall be to inspect and do all the firing of all blasts, prepared in a practical, workmanlike manner in said mine or mines.

§.2. The shot firers shall, immediately after the completion of their work, post a notice in a conspicuous place at the mine, in which shall be indicated the number of shots fired; also the number of shots they did not fire, if any, specifying the number of the room and designation of the entry, and giving reasons for not firing same. In addition they shall also keep a daily permanent record, in which shall be entered the number of shots or blasts fired, the number of shots or blasts failing to explode, and the number of shots or blasts that in their judgment were not properly prepared and which they refused to fire, giving reasons for same; the record to be in the custody of the mine manager and to be available for inspection at all times by parties interested.

§ 3. The superintendent or mine manager shall not permit the shot firers to do any blasting, exploding of shots, or do any firing whatever until each and every miner and employe is out of the mine except the shot firers, mine superintendent, mine manager and man or men necessarily engaged in charge of the pumps and stables: Provided, however, that nothing in this section shall be construed to prohibit the employment in such mine of a reasonably necessary number of men during such time for the purpose of securing the workings in case of fire therein.

§ 4. No miner or other person shall alter or change any drill hole, by increasing its depth, diameter or otherwise, after the same shall have been approved by the shot firer.

§ 5. No shot firer, whether voluntarily, or by command or request of any person, shall fire any unlawful shot, or any shot which in his judgment, exercised as aforesaid, shall not be a workmanlike, proper and practical shot.

§ 6. No person or persons shall order, command or induce by threats or otherwise, any shot firer to fire any unlawful shot, or any shot which in his judgment, after due inspection, shall not be a workmanlike, proper and practical shot.

§ 7. Any wilful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this act on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any person in the discharge of the duties herein imposed upon them, or any refusal to comply with the provisions of this act, shall be deemed a misdemeanor, punishable by a fine of not less than one hundred dollars and not to exceed two hundred dollars, or by imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court: Provided, that whoever shall discover that any section of this act, or part thereof, is being neglected or violated shall report the same to the superintendent of the mines and ask immediate compliance therewith; and in case of a continued failure to comply shall, through the State's attorney or any other attorney, in case of his failure to act promptly, take the necessary legal steps to enforce compliance herewith, through and by means of the penalties herein prescribed.

§ 8. All laws and parts of laws in conflict herewith are hereby repealed.

Together with an amendment thereto by way of substitute therefor heretofore proposed by the Committee on Mines and Mining.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2724, Kentucky Statutes, compiled by John D. Carroll, Edition of 1909, and being part of Article 1, Chapter 88 of said Kentucky Statutes, be amended by inserting the words, "by warrant issued by any court or officer of competent jurisdiction upon complaint made by any interested or other party, or," before the words "by indictment" warrant therein or summons so that said section when amended is hereby re-enacted to read as follows:

"Said Inspector shall have power to visit and inspect any mine to which this act applies. He shall examine into the condition of such mine with respect to ventilation, drainage, timbering and general security; and if, upon inspection, he finds that such ventilation, drainage or timbering as the health or safety of the persons employed in the mines would require, has not been provided, or should he find the mine insecure in any part, or should he find that sufficient means of ingrees and egress have not been provided, said Inspector shall at once notify the agent, superintendent or owner of the mine as to the unsafe or unwholesome condition of such mine, and require him to put the mine in a safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful. For a failure to comply with the directions of the Inspector to render such mine safe, and to provide such ventilation as is sought to be secured by this law, and to provide safe and suitable means of ingress and egress within twenty

days from the date of inspection, the agent or superintendent and owner shall be liable to a fine of fifty dollars per day for every day that such mine shall be suffered to remain in such unsafe or unhealthful condition after the expiration of the twenty days above mention provided in which the required improvements should be made, which fine may be collected by warrant issued by any court or officer of competent jurisdiction upon complaint made by any interested party, or by indictment by the grand jury of the county in which such mine is situated; but in cases in which the Inspector is satisfied from personal investigation, that, even if due diligence is observed, the required improvements cannot be completed within twenty days above provided, he shall have authority to extend the time for not more than twenty days longer; but when the time is thus extended, the agent, superintendent or owner who is delinquent, after the expiration of the additional time, shall be subject to indictment and fine as above provided, and as a cumulative remedy in case of failure of any owner, agent or superintendent to conform to the provisions of this law, after notice from the Inspector, within the time provided by this section, any Circuit Court, or the judge in vacation, may, on application of the Inspector, by civil action in the name of the State, enjoin or restrain, by writ of injunction, the said owner, agent or superintendent from working or operating such mine with more than five persons until it is made to conform with the provisions of this law; but before such writ of injunction shall issue, the owner, agent or superintendent shall have at least three days notice of such contemplated action, and shall have the right to appear before such court, or the judge in vacation, to whom the application is made, who shall hear the same on affidavits and such other testimony, as may be offered in support as well as in opposition thereto. It shall be the duty of the Commonwealth's attorney of the district, and

of the county attorney of the county in which the mine lies, to prepare and prosecute proceedings upon said application."

§ 2. That Section 2728 of said Kentucky Statutes be amended and re-enacted so as to read as follows:

"Section 2728. Instruments and chemical tests to be supplied. There shall be provided for all Inspectors, all instruments, appliances, apparatus and chemical tests necessary for the discharge of their duties under this law, which shall be paid for on the order of the Chief Inspector, and which said instruments appliances and apparatus shall belong to the State. The Chief Inspector shall have the assistance of a clerk, at a salary not exceeding twelve hundred dollars per year. And each Inspector shall be provided with office and necessary furniture and fixtures for storage of instruments and safety apparatus, and for the proper and expeditious discharge of his duties."

§ 3. That Section 2729 of said Kentucky Statutes be amended by striking therefrom the following words at the close thereof: "and upon the refusal or failure of the agent, owner, lessee or superintendent receiving such notice to make or cause to be made such map within sixty (60) days, and deposit the same with the Inspector within the seventy (70) days specified herein said owner, agent, lessee or superintendent shall be liable to a fine of five (5) dollars a day for each day elapsing until said map is made, said fine to be recovered in the county in which the mine to be mapped is situated. The corrections of each map provided for by this section shall be certified by the person making such map; and the Inspector may reject any map as incomplete the accuracy of which is not so attested," and inserting in lieu thereof the following words: "If the operator or agent of any coal mine shall neglect or fail to furnish to the mine Inspector of his

district any copy of map extension thereof as provided in this section, the Inspector is hereby authorized to cause a correct survey and map or plan of said coal mine or the extension thereof to be made at the expense of the operator of such mine, the cost of which shall be recoverable from said operator as other debts are recoverable by law; and if at any time the Chief Inspector of Mines have reason to believe that such map or plan or extension thereof furnished in pursuance of this section, be materially incorrect such as will not serve the purpose for which it was intended, he may have the survey and map or plan of the extension thereof made or corrected and the expense of making such survey and map or plan of extension thereof, under the direction of said Chief Inspector of Mines, shall be paid by the operator and the same may be collected as other debts are recoverable by law; and if found correct the expense thereof to be paid by the State.

"After the passage of this act each operator of a coal mine before making any additional mine openings, shall furnish the mine Inspector of the district in which the mine is located a plan of the proposed openings and mine development."

So that said section when amended, is hereby re-enacted to read as follows:

"Section 2729. Mine owners and others to furnish maps and plans—penalties. The owner, agent, lessee or superintendent of every coal mine in this State, to which this law applies, shall annually, within sixty (60) days after the first day of January, make or cause to be made, an accurate map or plan of the workings of such mine, on a scale of not more than one hundred feet to the inch, showing the area mined, and the form of the excavations up to the said first day of

January, together with the location and connection with such excavations of the lines of all adjoining lands, and the name or names of each owner or owners, so far as known marked on each tract; a true copy of which map the said owner, agent, lessee or superintendent shall deposit with the Inspector of Mines within seventy days after said first days of January, and another copy of which shall be kept at the office of such mine. But after the making and filing with said Inspector of the first map of the mine, as required herein, the owner, agent, lessee or superintendent shall only be required to annually make and file with said Inspector, within the times herein specified, such additional map and statement as may be necessary to truly show the progress of the workings and the amount of excavation of said mine from the date of the preceding map or survey up to the first day of January as provided herein. The Inspector shall annually, on or before the first day of January, give warning notice that said map is required. If the operator or agent of any coal mine shall neglect or fail to furnish to the mine Inspector of his district, any copy of map or extension thereof as provided in this section, the Inspector is hereby authorized to cause a correct survey and map or plan of said coal mine or the extension thereof to be made at the expense of the operator of such mine, the cost of which shall be recoverable from said operator as other debts are recoverable by law; and if at any time the Chief Inspector of Mines have reason to believe that such map or plan or extension thereof, furnished in pursuance of this section, be materially incorrect, such as will not serve the purpose for which it was made intended, he may have survey and map or plan of the extension thereof made or corrected and the expense of making such survey and map or plan of extension thereof, under the direction of said Chief Inspector of Mines, shall be paid by the operator and the same may be collected as other debts are recoverable by law;

and if found correct the expense thereof to be paid by the State.

"After the passage of this act, each operator of a coal mine, before making any additional mine opening,s shall furnish the mine Inspector of the district in which the mine is located a plan of the proposed openings and mine development."

§ 4. That said Section 2731 of said Kentucky Statutes shall be amended by striking out the words "and no working place shall be driven more than sixty feet in advance of a break-through or airway; and all break-throughs or airways, except those last made near the working face of the mine, shall be closed up and made air-tight by brattice, trap-doors or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the excavations where the persons employed in the mines are at work," and inserting in lieu thereof the following words, "and no working place shall be driven more than sixty feet in advance of a break-through or airway, except with the consent of the Inspector for the district and except it be for procuring better ventilation and all break-throughs between entries, and when necessary between rooms, except those last made near the working face, shall be closed up and made air-tight, by brattice, trap-doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the exacavations where the persons employed in the mine are at work; and the Inspector shall have authority to order that the main ventilating current be so split or subdivided as to give a separate current for separate groups of men at work in the mine whenever in his judgment conditions at any mine may render such splitting of the current necessary," and by striking out the words "competent person or persons," and inserting in lieu thereof the words "certified fire-boss," and adding

thereto the following words, "all shafts by which men enter or leave the mine, and the passage-ways to escapement outlets, shall be carefully examined by the mine foreman or a person designated by him at least once each week that the mine be operating and the date and findings of such examination entered promptly in books kept at the mine for such purpose. If obstructions to free passage of men are found, their location and nature shall be stated in said record, and such obstructions shall be promptly removed. Break-throughs may be sixty to ninety feet apart, in the discretion of the Inspector of the district, approved by the Chief Inspector. It shall be the duty of the mine foreman to have bore-holes kept not less than twelve feet in advance of the face, and, where necessary, on sides, if the working places that are being driven toward are in dangerous proximity to an abandoned mine, or part of mine suspected of containing inflammable gases, or which are filled with water." So that said section when amended is hereby re-enacted to read as follows:

"Section 2731. Ventilation of mines—daily examination —when required—safety appliances. The owner, agent or lessee of every coal mine, whether slope, shaft or drift, to which this act applies, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet of air per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine; and no working place shall be driven more than sixty feet in advance of a break-through or airway, except with the consent of the Inspector for the district; and all break-throughs between entries, and when necessary between rooms, except those last made near the working face, shall be closed up and made air-tight, by brattice, trap-

doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the excavations where the persons employed in the mine are at work; and the Inspector shall have authority to order that the main ventilating current be so split or subdivided as to give a separate current for separate groups of men at work in the mine whenever in his judgment condition at any mine render such splitting of the current necessary; and all mines governed by this statute shall be provided with artificial means of producing ventilation, such as suction or forcing fans, exhaust steam furnaces or other contrivances, of such capacity and power as to produce and maintain an abundant supply of air. All mines generating fire-damp shall be kept free from standing gas, and every working place shall be carefully examined every morning with a safety lamp, by a certified fire-boss, before any of the workmen are allowed to enter the mine. And at every mine operated by a shaft there shall be provided an approved safety-catch, and a sufficient cover over-hand, on all cages used for lowering and hoisting persons, and at the top of every shaft a safety gate shall be provided, and an adequate brake shall be attached to every drum or machine used in lowering or raising persons in all shafts and slopes. all shafts by which men enter or leave the mine, and the passage-ways to escapement outlets, shall be carefully examined by the mine foreman or a person designated by him at least once each week that the mine may be operating and the date and findings of such examination entered in books kept at the mine for such purpose. If obstructions to the free passage of men are found, their location and nature shall be stated in said record, and such obstructions shall be promptly removed. Break-throughs may be sixty to ninety feet apart, in the discretion of the Inspector of the district, approved by the Chief Inspector. It shall be the duty of the mine foreman to have bore-holes kept not less than twelve feet in advance of the face, and, where necessary, on sides, if the work-

ing places that are being driven toward are in dangerous proximity to an abandoned mine, or part of mine suspected of containing inflammable gases, or which are filled with water."

§ 5. That subdivisions 5, 6, 7, 8 and 9 of Section 2739a, of said Kentucky Statutes, be and the same hereby are repealed, and the following enacted in lieu thereof:

No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four, and not more than thirty-six degress Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degress Fahrenheit, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit.

Each person, firm or corporation compounding oil for illuminating purposes in a coal mine, or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation compounding the oil therein contained, the name and address of the person, firm or corporation having purchased the same, the date of shipment, the percentage and the gravity in degrees

Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature of sixty degrees Fahrenheit of the mixture.

Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the State of Kentucky, and the composition thereof as shown herein is correct."

No person, firm or corporation shall sell or offer for sale any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act. Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of any Inspector of Mines, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within two miles of the point where such oil is offered for sale, submit such oil and the original containers for examination, and upon request, give a sample of such oil from one or more of the original containers selected by such Inspector, officer or agent, for the purpose of making a test thereof.

No person shall adulterate any oil either before or after taking same from the original containers, and shall not alter, transfer, or re-use any label placed upon any container.

No person shall use for illuminating purposes in any coal mine any oil other than the oil specifically provided for in this act. Each person, while in a coal mine shall, upon re-

quest of any Inspector of Mines, or any officer or duly authorized agent of the owner or lessee, submit his lamp and supply of oil for examination, and upon request, give sample of oil for the purpose of making a test thereof, and state from whom purchased.

No provisions of this act relating to the compounding, sale and use of oil for illuminating purposes in coal mines, shall apply only to oil used in lamps for open lights. The oil used in safety lamps may be of such composition as will best serve the purpose.

Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State contrary to the provisions hereof shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty nor more than sixty days, or both, at the discretion of the count or jury.

Any person, firm or corporation who sells, or offers for sale to any employe of a coal mine for illuminating purposes in a coal mine contrary to the provisions hereof, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court or jury.

Any person who knowingly uses for illuminating purposed in a coal mine any oil contrary to the provisions hereof shall, upon conviction thereof, be fined not less than five

dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days, nor more than ten days, or both, at the discretion of the court or jury.

§ 6. That Subdivision 2 of Section 2739a of said Kentucky Statutes be, and the same is hereby, repealed and there is hereby enacted in lieu thereof the following:

"2. The Chief Inspector of Mines, and any two of his assistants, the selection of which is optional with the Chief Inspector, together with one miner and one coal mine operator appointed for a term of two years by the Governor, shall constitute a Board of Examiners for the examination of applicants for certificates of qualification to serve as foremen and fire-bosses in coal mines. Said Board shall meet at such times and places as the Chief Inspector of Mines shall from time to time order; and for their services as examiners said Inspectors shall receive no extra compensation, but only the salary and traveling expenses as now provided by law, that is their services as examiners shall be reckoned and in fact shall be treated and considered as part of the duties of their office; but the miner and operator members of the Board shall receive five dollars per day and necessary traveling expenses."

§ 7. That Subdivisions 4, 5 and 6, of said Section 2739a be, and the same are, and each is, hereby repealed, and there is enacted in lieu thereof the following:

"4. That in all coal mines in this State, in which as many as ten persons are employed at one time, the owner, lessee or operator shall employ and keep a sufficient number of practical and experienced men to be known and designated

as 'shot firers,' whose duty shall be to charge, set off and discharge all shots in the workings of said mines; and said 'shot firers,' shall not take into said mines at any time a larger quantity of powder or explosives, other than permissible explosives, than they may reasonably expect to use in any one shift. All surplus powder or explosives that may be taken into the mine, remaining over after all the shots have been set off and discharged, other than permissible explosives, shall be brought out of the mine by said 'shot firers.' No person other than the 'shot firers' shall be allowed in any of said mines to charge, set off or discharge any shots in any of the working places, nor shall any owner, lessee or operator or any of said mines permit any employe other than the shot firers to charge, set off or discharge any shots of the working places in the said mines. And no person other than the 'shot firers' shall take into any of said mines any powder or other explosives, nor shall such owner, lessee or operator permit any powder or other explosives to be taken into said mines except by such 'shot firers.' No black powder or other explosives, except permissible explosives, shall be stored in any mine in this State.

"5. Subdivisions 4 and 6 of this section shall likewise apply to any and all mines in this State where and when the Chief Inspector of Mines shall direct the employment of 'shot firers,' which he may do where, in his opinion, the employment of 'shot firers' is necessary to further protect the lives of the miners.

"6. Any wilful neglect, failure or refusal of any owner, lessee or operator of a coal mine, or any person employed in such mine, within the provisions of this section, violating any of the provisions herein, shall be punishable by a fine of not less than twenty-five dollars and not more then one hundred dollars, or by imprisonment in the county jail for a

period not exceeding ten days, or both, in the discretion of the court or jury."

§ 8. And be it further enacted that an act entitled: "An act concerning the employment of persons to serve as foremen for coal mines, and regulating the granting of certificates of qualification to persons who seek to act as such mine foremen," approved March 21, 1910, be amended as follows: By adding the words "and fire-bosses" after the word "foremen" in the caption thereof, so that said caption shall read as follows:

"An act concerning the employment of persons to serve as foremen and fire-bosses for coal mines, and regulating the granting of certificates of qualification to persons who seek to act as such mine foremen and fire-bosses."

§ 9. That Section 1 of said act be amended by adding the words "or fire-boss" after the word "foreman" where it first appears in said section so that said section when amended is hereby re-enacted to read as follows:

"Section 1. No owner, lessee or operator of a coal mine in which as many as fifteen person are employed at one time shall employ as foreman or fire-boss any person who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners, provided for in Chapter 59, acts of the General Assembly of 1908, and has been found fit and competent."

§ 10. That Section 2 of said act be amended by adding the words "or fire-boss" after the word "foreman" where it first appears in said Section 2, and that said section when amended is hereby re-enacted to read as follows:

"Section 2. The certificates of qualification shall be divided in three classes, namely (1) First Class, which shall authorize the holder to act as foreman or fire-boss for all classes of coal mines: (2) Second Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine; and (3) Third Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine in which not more than twenty-five persons are employed at one time."

§ 11. That Section 7 of said act be amended by adding the words "or fire-boss" after the word "foreman" where it first appears in said section, and by adding the words, "or fire-boss except as herein specified", after the word "foreman" where it secondly appears in said section; and by adding the following words to said Section 7; "In cases where a vacancy of foreman or fire-boss in any coal mine occurs, the district assistant Inspector, with the approval of the Chief Inspector, can authorize a temporary appointment of any miner of four or more years experience in coal mines, to act as foreman for a period of sixty days. The certificate of any mine foreman or fire-boss may be canceled and revoked by the Board of Examiners upon notice and hearing as herein provided, if it shall be established in the judgment of said Board that the holder thereof has become unworthy to hold said certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful neglect to comply with instructions to obey requirements of the law given by an Inspector of Mines, or other cause: Provided that any person against whom charges or complaints are made shall have a right to appear before said Board and defend against such charges, and he shall have fifteen days notice in writing of such charges previous to such hearing."

So that said section when amended is hereby re-enacted to read as follows:

"Section 7. Any owner, lessee or operator of a coal mine wilfully failing or refusing to comply with this act, and any person acting as foreman or fire-boss at a coal mine without having a certificate from the Board of Examiners authorizing him to act as such foreman or fire-boss, except as herein specified, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars.

In cases where a vacancy of mine forman or fire-boss in any coal mine occurs the district assistant Inspector, with the approval of the Chief Inspector, can authorize a temporary appointment of any miner of four or more years experience in coal mines, to act as foreman for a period of not exceeding sixty days.

The certificate of any mine foreman or fire-boss may be canceled and revoked by the Board of Examiners upon notice and hearing as herein provided, if it shall be established in the judgment of said Board that the holder thereof has become unworthy to hold said certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful neglect to comply with instructions, to obey requirements of the law given by an Inspector of Mines, or other cause; Provided, that any person against whom charges or complaints are made shall have a right to appear before said Board and defend against such charges, and he shall have fifteen days notice in writing of such charges previous to such hearing."

§ 12. That Section 8 of said act be amended by adding the words "or fire-bosses" after the word "foremen" in the

said section where the word first appears therein, so that said section when amended is hereby re-enacted to read as follows:

"Section 8. Nothing in this act shall be construed as in any way affecting mine foreman or fire-bosses who have heretofore been granted certificates by the Board of Examiners."

§ 13. The Inspector of Mines shall prepare his annual report, and file the same for publication, within four months after the close of the calendar year.

§ 14. In order that the number of Inspectors may be more nearly commensurate with the growth in number of mines requiring inspection, resulting from the rapidly increasing development of coal mining in this State, the Governor is hereby authorized and directed to appoint one additional assistant Inspector of Mines, who shall hold office for four years and until his successor is appointed and qualified. He shall possess the same qualifications, take the required oath, and give the same amount and character of bond, as are required of assistant Inspectors of Mines in Chapter 59, acts of the General Assembly of 1908; his duties shall be such as are prescribed for assistant inspectors of mines in said act, and in all things and in all respects he shall be governed by the provisions of said act relating to the duties and conduct of assistant inspectors; and he shall be liable for dismissal for wilful neglect of duty, or misconduct, or malfeasance of office. He shall receive the same amount of annual salary that is allowed other assistant Inspectors of Mines by existing law, that is he shall be paid fifteen hundred dollars ($1,500.00) per annum, payable in monthly installments, and shall likewise be allowed his necessary traveling and other expenses incurred on account of and when engaged

in the discharge of his official duties. Before any person shall be appointed as such assistant Inspector he shall be required to pass a satisfactory examination as to his qualifications before the Board of Examiners as is required of other assistant Inspectors and provided for in said act herein referred to.

Mr. Kirk offered the following amendment to said substitute, viz.:

§ 7. That Subdivisions 4, 5 and 6 of said Section 2739b be, and the same are, and each is, hereby repealed and there is enacted in lieu thereof the following:

"4. That the Chief Inspector of Mines, or an assistant Inspector of Mines when approved by the Chief Inspector of Mines, may direct the employment of shot firers in any coal mine in this State, in which as many as ten persons are usually employed at one time, when in his opinion the employment of shot firers is necessary for the further protection of the lives of the miners in such mine, and shot firers shall then be employed in such mine. The duty of said shot firers shall be to charge, set off and discharge all shots in the working places of the mine, and no person other than a shot firer shall be allowed to charge, set off or discharge any shots in any of the working places in said mine. No shot firer shall charge any shot-hole which in his judgment, after due inspection, has not been prepared in a workmanlike, proper and practical manner, and no person shall order, or induce by threats or otherwise, any shot firer to charge or discharge any shot which in his judgment is not a proper one. By the term 'working places' is meant the rooms and the heads or faces of entries in the mine and places where coal is being broken from the solid face or from pillars. Said shot firers shall not do any blasting or exploding of shots in the working

places until each and every person is out of the mine, except said shot-firers, the mine superintendent, mine manager, mine foreman, and the person or persons necessarily present in charge of pumps and stables in the mine, and it shall be the duty of all other persons to go out of said mine before the setting off and discharging of shots takes place. Immediately after the completion of their work the shot firers shall post a notice in a conspicuous place at the mine in which shall be indicated the number of shots fired; also the number of shots they did not fire, if any, specifying the working place and the designation of the entry and giving their reasons for not firing the same. Proper means for posting said notice shall be provided by the operator of the mine. Said shot firers shall also keep a daily permanent record, in a book to be furnished by the operator of the mine, in which shall be entered the number of shots fired, the number and places of shots failing to explode, the number and places of blown out or windy shots, and the number and places of shots they refuse to charge giving their reasons for such refusal. Said record shall be in the custody of the mine manager or superintendent and shall be available at all reasonable times for inspection by parties interested and by the Inspector of Mines. Said shot firers shall not take into the mine at any time a larger quantity of powder or explosives other than 'permissible' explosives than they may reasonably expect to use in any one shift; and all surplus powder or explosives that may be taken into the mine, remaining over after all the shots have been set off and discharged other than 'permissable' explosives, shall be brought out of the mine by said shot firers. When roof or bottom is to be shot in entries, the mine foreman may designate a special shot firer for that purpose; and the provisions herein relating to explosives taken into the mine for use in the working places shall also apply in the case of shooting roof or bottom in entries.

Nothing in this section shall preclude the Mine Foreman from acting as shot firer.

"5. No person other than the shot firers, or the mine foreman, shall take into said mine any powder or other explosives. No black powder or other explosives, except 'permissable' explosives, shall be stored in any mine in this State which is subject to the provisions of the mining laws.

"6. Any wilful neglect, failure or refusal of any owner, lessee or operator of a coal mine, or of any person employed in such mine, within the provisions of this section, violating any of the provisions herein shall be punishable by a fine of not less than twenty-five dollars and not more than one hundred dollars, or by imprisonment in the county jail for a period not exceeding ten days, or both, in the discretion of the court or jury."

Said amendment was agreed to.

Mr. Baker offered the following amendment to said bill, viz.:

Amend Section 1 by inserting the word "charged tamp" in line four after the word "inspect."

Said amendment was adopted.

Mr. Lochry offered the following amendment to said bill, viz.:

Amend Section 1 by inserting after the word "blasting" in line 1 the following: "And in which there are as many as ten miners employed."

Said amendment was agreed to.

The aforesaid as proposed to said bill by the Committee was disagreed to.

The yeas and nays being required thereon by Messrs. Lochry and Chun were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	L. B. Herrington	S. H. Rogers
C. W. Burton	John W. Holland	A. H. Stamper
George P. Chinn	R. Dillard Hunter	C. B. Thompson
Elkanah Dickey	W. J. Jackson	D. B. Thurman
G. L. Drury	John G. Kelley	E. B. Wiley
J. H. Elder	M. C. Kirk	Charles Yancy
Joe Hall	James A. Leach	Edward L. Young
Elwood Hamilton	Hugh Mahin	
A. B. Hatton	Luther C. Owings	—25

Those who voted in the negative were—

William Ahl	Allie T. Gaines	A. W. Palmer
Eugene G. Asher	D. Clarence Gray	William A. Perry
George Baker	T. J. Gregory	W. A. Price
J. M. Bean	Earl C. Huntsman	Robt. H. Scott
A. V. Bertram	W. E. King	W. A. Shawler
Thos. M. Bertram	William J. Kuhn	Walter S. Sinclair
E. Bishop	F. A. Lochry	W. Scott Smith
Hiram Brown	B. J. Matthews	E. B. Thompson
Henry Chunn	Emanuel Meyer	Louis B. Tieman
Eli Farmer	Harry J. Meyers	Yeaman Watkins
John M. Farra	R. C. McClure	J. H. Williams
S. Walton Forgy	W. N. McCubbin	
John F. Fryer	Ben E. Niles	—36

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	A. W. Palmer
Robert H. Akin	T. J. Gregory	William A. Perry
Eugene G. Asher	V. D. Hammond	John A. Polin
George Baker	A. B. Hatton	W. A. Price
J. M. Bean	L. B. Herrington	S. H. Rogers
Eli Berry	Earl C. Huntsman	Robt. H. Scott
A. V. Bertram	W. J. Jackson	W. A. Shawler
Thos. M. Bertram	John G. Kelley	Walter S. Sinclair
E. Bishop	W. E. King	W. Scott Smith
H. C. Blades	Charles H. Knight	A. H. Stamper
Hiram Brown	William J. Kuh	John G. Stoll
C. W. Burton	James A. Leach	C. B. Thompson
Henry Chunn	F. A. Lochry	E. B. Thompson
G. L. Drury	B. J. Matthews	D. B. Thurman
J. H. Elder	Emanuel Meyer	Louis B. Tieman
Eli Farmer	Harry J. Meyers	E. B. Wiley
John M. Farra	R. C. McClure	J. H. Williams
S. Walton Forgy	W. N. McCubbin	Charles Yancy
John F. Fryer	Ben E. Niles	
Allie T. Gaines	Luther C. Owings	—58

Those who voted in the negative were—

Joe Hall R. Dillard Hunter —2

Resolved that the title thereof be as aforesaid.

Mr. Herrington moved that at four o'clock p. m. the House shall take a recess until seven o'clock.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 110. An act for the benefit of Mrs. William Cromwell.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated for the use and benefit of Mrs. William Cromwell the sum of $362.75 to be payable out of any funds in the State Treasury not otherwise appropriated.

§ 2. Because of the fact that the foregoing amount of money has been long due to the said Mrs. William Cromwell for services rendered by her, and on which no interest is or can be allowed, an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval.

Ordered that said bill be read the third time.

The provision of the constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	J. M. Bean
Robert H. Akin	George Baker	Eli Berry

A. V. Bertram	V. D. Hammond	W. N. McCubbin
Thos. M. Bertram	A. B. Holland	C. B. Nichols
H. C. Blades	John W. Holland	Ben E. Niles
Wallace Brown	James R. Howell	Luther C. Owings
C. W. Burton	R. Dillard Hunter	A. W. Palmer
George P. Chinn	Earl C. Huntsman	William A. Perry
Elkanah Dickey	W. J. Jackson	W. A. Price
G. L. Drury	John G. Kelley	Robt. H. Scott
Ben F. Egleston	M. C. Kirk	W. A. Shawler
J. H. Elder	Charles H. Knight	Walter S. Sinclair
John M. Farra	William J. Kuh	John G. Stoll
John F. Fryer	James A. Leach	C. B. Thompson
Allie T. Gaines	F. A. Lochry	J. H. Williams
D. Clarence Gray	Hugh Mahin	Charles Yancy
T. J. Gregory	Emanuel Meyer	Edward L. Young
Elwood Hamilton	Harry J. Meyers	—53

Those who voted in the negative were—

Henry Chunn	R. C. McClure	Yeaman Watkins

—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 227. An act defining cruelty to animals prescribing means for the prevention thereof and fixing penalties for its violations.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A society for the purpose of inculcating humane principles and securing enforcement of laws for the preven-

tion of cruelty to animals may be incorporated in any county, city or town of this Commonwealth, without capital stock, and any such society may organize subsidiary societies in any county, city or town in the Commonwealth.

§ 2. Any society so incorporated and any subsidiary society, so organized, may, subject to the written approval of the mayor or chairman of the board of trustees of the city or town for which they shall be appointed, or if such appointment shall be made for a county, subject to the written approval of the county judge of such county, appoint not exceeding twelve agents, who shall be known as Humane Officers, to serve for a term of one year: Provided, That the society making the appointment may remove any officer so appointed at any time.

§ 3. Every society so appointing humane officers may fix the compensation of their appointees and may change the same at the beginning of any calendar month.

§ 4. Before entering upon the discharge of his duties, each humane officer shall execute bond with good surety or sureties, to the Commonwealth of Kentucky in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the judge of the county court of the county in which he is appointed and shall be filed with and recorded by the clerk of said county court.

§ 5. Humane officers shall have the same powers and duties in the enforcement of the provisions of this act, within the county, city or town for which they shall be appointed, as are given to sheriffs, marshals, policemen and constables by the laws of this Commonwealth.

§ 6. The word torture or cruelty shall be held to include everything whereby unjustifiable physical pain, suffering or death is caused or permitted. The word "animal" as used in this act, shall be held to include every living creature except man.

§ 7. Any person who overdrives, overloads, tortures, deprives of necessary sustenance, or unnecessarily or cruelly beats or needlessly mutilates or kills any animal, or impounds or confines any animal in any place and fails to supply the same during such confinement with a sufficient quantity of good, wholesome food and water, or carries in or upon any vehicle, or otherwise, any animal in any inclosure, without wholesome exercise and change of air, or feeds milch cows on food that produces impure or unwholesome milk, or abandons any old, maimed, sick, infirm or diseased animal, or works the same, shall be fined in any sum not less than five dollars, nor more than two hundred dollars, or imprisoned not exceeding sixty days, or both so fined and imprisoned: Provided, That nothing herein shall be construed to prevent cattle from being dehorned.

§ 8. Any person or corporation engaged in transmitting live stock, and any agent or employee of a person or corporation so engaged, who shall detain such stock in railroad cars or confined in any compartment, create or wagon for a longer continuous period than twenty-four hours after the same are so placed, whether the same shall be so placed within or without this State, without supplying such stock with necessary food, water and attention, or permits such animals to be crowded together as to overlie, crush, wound or kill one another, shall be fined not less than five dollars nor more than three hundred dollars.

§ 9. Any owner or person in possession of or having custody or control of a maimed, diseased, disabled or infirm animal, who shall abondon such animal in a street, road or public place, or who shall allow such animal to lie in a street, road or public place for a period longer than three hours after obtaining knowledge or notice thereof, shall be fined in any sum not less than five nor more than twenty-five dollars, or imprisoned not exceeding twenty-five days.

§ 10. Any person who having confined or impounded any animal, neglects to supply such animal with sufficient wholesome air, food, water and shelter during such confinement, shall be fined not less than five nor more than twenty-five dollars.

§ 11. Any person who shall knowingly sell, offer to sell, use or expose, any animal having or affected with any contagious or infectious disease dangerous to the health or life of human beings or animals, or who refuses upon the demand of a humane officer, or any sheriff, marshal, policeman or constable, to deprive such animal of life, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not exceeding fifty days, or both so fined and imprisoned.

§ 12. Any auctioneer or salesman who shall knowingly receive for sale, offer for sale or sell any horse which by reason of debility, disease, lameness, infirmity, age, or for any other cause, could not be worked without violating section seven of this act, shall be fined not less than twenty-five nor more than one hundred dollars.

§ 13. Any person who shall lead, ride, drive or transport on any public highway any animal which because of debility, disease or lameness could not be worked, except when carry-

ing such animal for medical or surgical treatment, or to a place for its humane keeping or killing, shall be fined in any sum not less than five dollars nor more than twenty-five dollars.

§ 14. Any owner or person in control of any animal having or being affected with any contagious or infectious disease, or of any animal, which because of age, debility, lameness or disease could not be worked, who shall remove the same or cause it to be removed from any county in which said animal may be to another county or any other State for any purpose whatever shall be fined in any sum not exceeding fifty dollars or imprisoned not more than thirty days, or both so fined and imprisoned.

§ 15. Any person who wilfully sets on foot, instigates, engages in or in any way furthers any act whereby unjustifiable physical pain, suffering or death is caused or permitted to any animal, or sets on foot, instigates, engages in or furthers any act tending thereto, or by any act, conduct, neglect or omission wilfully causes, permits or suffers any animal to undergo any unjustifiable physical pain, suffering or death, shall be fined in any sum not less than five nor more than twenty-five dollars.

§ 16. Any person, who shall interlock the wings of any living fowl, or who shall have in his possession living fowls with their wings interlocked, shall be fined in any sum not less than one dollar nor more than five dollars.

§ 17. Any person who keeps or uses a pigeon or any bird or fowl for a target, or to be shot at for amusement, or as a test of skill in marksmanship, or who shoots at any bird or fowl kept or used as aforesaid, or is present where such bird or fowl is so used for the purpose of shooting at the same or

causing it to be so shot at, or who knowingly lets or permits the use of any building, room, field or premise for the purpose of such shooting, shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not exceeding thirty days, or both so fined and imprisoned.

§ 18. When complaint is made to any county judge, justice of the peace or police judge, on affidavit of the complainant, that affiant believes and there are reasonable grounds to believe that any of the provisions of the law relating to or affecting animals are, or are about to be violated in any particular building or place, such judge or justice shall immediately issue a warrant directed to any sheriff, marshal, policeman, constable or humane officer, and deliver the same to such officer, which warrant shall authorize such officer to enter and search such building or place, and to arrest any person there present violating such law. The warrant shall authorize the officer to break and enter the building or place described therein, if necessary to gain admittance thereto.

§ 19. When any animal shall be found abandoned, or not properly cared for, or when any animal shall appear, because of injury, infirmity, disease or age past recovery for any useful purpose, upon the written certificate of a veterinary surgeon or of two reputable citizens that they have viewed such animal and that same is abandoned or not properly cared for, or that because of injury, disease, infirmity or age, they believe such animal past recovery for any useful purpose, or if the owner of such animal shall consent thereto in writing, any sheriff, policeman or humane officer may destroy such animal, and upon the delivery of such certificate or written consent of the owner it shall be the duty of such officer to destroy such animal.

§ 20. If any person arrested charged with the commission of any offense is in charge when arrested of any animal, the sheriff, marshal, policeman, constable or humane officer may take charge of such animal and retain custody thereof until the person so arrested shall be tried: Provided, however, That the judge or magistrate before whom the warrant of arrest shall be returned, may order such disposition of said animal as may to him appear best for the protection thereof.

All expenses incurred by any officer for care and sustainance of such animal shall be a charge upon the same and such officer shall have a lien on such animal to secure the payment of such charges.

§ 21. One-half of all fines imposed and collected under the provisions of this act shall be paid to any incorporated humane society or subsidiary society organized under the provisions of this act in the county, city or town in which the fines shall be imposed, if such society or subsidiary society then has in active service one or more humane officers.

§ 22. It shall be the duty of all sheriffs, marshals, policemen, constables and humane officers to enforce the foregoing act.

Sundry amendments were proposed to said bill by Messrs. Niles, Clay and J. W. Holland.

Mr. Holland moved that said bill and all pending amendments be laid on the table.

Said motion was agreed to.

Mr. J. W. Holland moved that the vote by which said bill and amendments were laid on the table be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

And then the House recessed until seven o'clock.

NIGHT SESSION.

At seven o'clock the House reconvened.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 178. An act to amend Section 6482 of the Kentucky Statutes being an act of March 24, 1906, Chapter 144, Acts of 1906.

Together with the amendment heretofore proposed thereto by the Committee on Insurance—Life and Accident.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 648a of the Kentucky Statutes relating to the deposit by domestic life insurance companies with the State Treasurer of Kentucky—"penalties"—"suits," be, and it is hereby, amended by adding at the end of Paragraph 1 of said section, the following language, to-wit:

"Less any sums which any domestic life insurance company shall have advanced from its legal reserve to the policyholders of the company on the pledge to it of their policies

and its accumulations; and the State of Kentucky shall be liable to all domestic life insurance companies for the safe custody and return, according to law, of all deposits required by law to be made by such companies."

So that said Section 648a of the Kentucky Statutes, when amended as herein provided, shall read:

"§ 648a. 1. DEPOSIT BY DOMESTIC COMPANIES—PENALTIES—SUITS. Within ninety days after the net cash value of each policy in force shall be ascertained, as now required by law, there shall be deposited with the State Treasurer, by every domestic life insurance company, for the security and benefit of all its policyholders, an amount which, together with such sums as may be deposited by said company with other States and governments, by the requirements of the laws thereof, shall be not less than the amount of such ascertained valuation of all policies in force, less any sums which any domestic life insurance company shall have advanced from its legal reserve to the policyholders of the company on the pledge to it of their policies and its accumulations; and the State of Kenucky shall be liable to all domestic life insurance companies for the safe custody and return, according to law, of all deposits required by law to be made by such companies.

2. But no company shall be required to make the deposit herein required until the net cash value of the policies in force exceeds the amount deposited by said company, under Section 648 of the Kentucky Statutes, and then only to the extent of such excess.

3. The deposit herein required may be in the securities described in Section 625 of the Kentucky Statutes, or in satisfactory evidence of the ownership of such unencumbered

real estate, as may be lawfully acquired by such company under Section 632 of Kentucky Statutes, which real estate shall not be sold or encumbered unless securities or evidence of ownership or other real estate of equal value as herein described be deposited with the treasurer in lieu thereof. The policyholders shall have a first lien on all said real estate and when such real estate is withdrawn, sold or encumbered, and other securities of equal value deposited in lieu thereof, the Insurance Commissioner shall execute a release of the property withdrawn, sold or encumbered, which said release shall be recorded in the office of the County Clerk of the county in which the property is located. When real estate is deposited under this section in lieu of other securities, said property shall be taken at sixty per cent of its market value as determined by the Insurance Commissioner. The lien herein provided for shall apply to all real estate, the evidences to the title to which is deposited as herein provided for.

4. Companies shall have the right, at any time, to change their securities on deposit by substituting for those withdrawn a like amount in other securities of the character provided for herein; and whenever the net cash value of the policies outstanding and in force against any company is less than the amount of securities then on deposit with the treasurer, such company shall have the right to withdraw such excess; but at least one hundred thousand dollars in securities, at their par and market value, shall remain on deposit.

5. The Insurance Commissioner shall permit companies having on deposit with him stocks or bonds deposited under this act as security, to collect the interest accruing on said deposit, delivering to their authorized agents, respectively, the coupons or other evidences of the interest as the

same become due; but upon default by the company to deposit additional security as called for by the Insurance Commissioner, or pending any proceedings to close up or enjoin it, the Insurance Commissioner shall collect the interest as it becomes due, and add the same to the securities in his hands belonging to such company.

6. Upon the compliance each year with the provisions of this act by any company the Insurance Commissioner shall issue to it a certificate setting forth the corporate name of the company, its principal office, that it has fully complied with the provisions thereof, stating the amount deposited, and the net cash value of the outstanding policies, and the table upon which the same was computed, and that it is authorized to transact the business of life insurance; provided, that any such certificate shall expire on the 30th day of June, in the following year of its issue.

7. Upon the failue of any company referred to herein to make the deposit or file the report hereby required in the time stated herein, the Insurance Commissioner shall notify such company to issue no new policies until there shall have been compliance with said requirements.

8. Any domestic life insurance company doing business without a certificate as provided for in either Section 648 of the Kentucky Statutes, or in this act, shall be fined one hundred dollars for every day it continues to write new business in this State without such certificate.

9. Suits brought to recover any of the penalties provided for herein shall be instituted in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court, whenever so directed by the Insurance Commissioner said penalties, when recovered, shall be paid into the State Treasury for the use of the general fund.

10. All laws and parts of laws in conflict herewith are hereby repealed."

The amendment proposed thereto by the Committee is as follows, viz.:

Amend by striking out on page 1, beginning on line 12, and page 2, beginning on line 7, the following words, "And the State of Kentucky shall be liable to all domestic life insurance companies for the safe custody and return according to law of all deposits required by law to be made by such company."

Said amendment was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	Wallace Brown	D. Clarence Gray
P. L. Atherton	Henry Chunn	T. J. Gregory
George Baker	Sidney G. Clay	Joe Hall
J. M. Bean	Elkanah Dickey	Elwood Hamilton
Eli Berry	Francis B. Douglas	V. D. Hammond
A. V. Bertram	G. L. Drury	A. B. Hatton
Thos. M. Bertram	J. H. Elder	L. B. Herrington
E. Bishop	John M. Farra	A. B. Holland
H. C. Blades	S. Walton Forgy	John W. Holland
Hiram Brown	Allie T. Gaines	R. Dillard Hunter

Earl C. Huntsman
W. J. Jackson
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
William A. Perry
W. A. Price
S. H. Rogers
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
Charles Yancy
Edward L. Young
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Resolved that the title thereof be as aforesaid.

Mr. Forgy of the Committee on Judiciary to which the same had been recommitted with leave to report at any time reported a bill entitled,

H. B. 427. An act limiting the time in which enforcement of tax title and tax liens may be effected.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No action or other proceeding for the enforcement of any lien for taxes or for recovery of possession of any property which has been sold for taxes shall be maintained unless such action or proceeding is commenced within five years from the date on which said taxes became in arrears.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	Luther C. Owings
Eugene G. Asher	Joe Hall	A. W. Palmer
P. L. Atherton	Elwood Hamilton	William A. Perry
George Baker	V. D. Hammond	W. A. Price
J. M. Bean	A. B. Hatton	S. H. Rogers
Eli Berry	L. B. Herrington	Robt. H. Scott
A. V. Bertram	A. B. Holland	W. A. Shawler
Thos. M. Bertram	John W. Holland	Walter S. Sinclair
E. Bishop	John G. Kelley	W. Scott Smith
H. C. Blades	W. E. King	Adam Spahn
Hiram Brown	M. C. Kirk	A. H. Stamper
Wallace Brown	Charles H. Knight	John G. Stoll
Henry Chunn	William J. Kuh	C. B. Thompson
Elkanah Dickey	J. Albert Leach	E. B. Thompson
G. L. Drury	F. A. Lochry	D. B. Thurman
J. H. Elder	Hugh Mahin	Louis B. Tieman
Eli Farmer	R. C. McClure	Yeaman Watkins
John M. Farra	W. N. McCubbin	Charles Yancy
S. Walton Forgy	C. B. Nichols	Edward L. Young
Allie T. Gaines	Ben E. Niles	—59

Those who voted in the negative were—

T. J. Gregory	Earl C. Huntsman	W. J. Jackson

—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 429. An act changing the Twenty-first, Twenty-third, Twenty-fifth and Thirty-third Judicial Districts of Kentucky and fixing the time for holding courts in the same.

Together with an amendment thereto by way of substitute therefor proposed by the Committee on Redistricting—Judicial.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Twenty-first Judicial District of Kentucky shall be composed of the Counties of Bath, Montgomery, Rowan, Menifee and Powell.

§ 2. The Twenty-third Judicial District, shall be composed of the Counties of Perry, Breathitt and Wolfe.

§ 3. The Twenty-fifth Judicial District, shall be composed of the Counties of Clark, Madison, Jessamine and Estill.

§ 4. The Thirty-third Judicial District, shall be composed of the Counties of Leslie, Owsley and Lee.

§ 5. The present Judge and Commonwealth's Attorney of the various districts affected by this bill shall serve in the various districts for which they were elected, subject to the changes in same made by this act.

§ 6. The time of holding court in said four districts shall be as follows:

Twenty-third District—Wolfe County, at Campton, on the third Monday in January, first Monday in May, and the third Monday in September, and continue each term for eighteen juridical days. Breathitt County, at Jackson, on the third Monday in February, fourth Monday in May, and second Monday in October, and continue each term for twenty-four juridical days. Perry County, at Hazard, on the fourth Monday in March, first Monday in July, and third Monday in November, and continue each term for twenty-four juridical days.

Twenty-first District—Montgomery County, at Mt. Sterling, on the first Monday in September, second Monday in January and fourth Monday in April, and continue each term for twenty-four juridical days. Bath County, at Owingsville, on the first Monday in October, second Monday in February, and fourth Monday in May, and continue each term for eighteen juridical days. Rowan County, at Morehead, on the fourth Monday in October, second Monday in March, and third Monday in June, and continue each term for twelve juridical days. Menifee County, at Frenchburg, on the third Monday in November, fourth Monday in March, and the first Monday in July, and continue each term for twelve juridical days. Powell County, at Stanton, on the first Monday in December, first Monday in April, and the third Monday in July, and continue each term for twelve juridical days.

Twenty-fifth District—Madison County, at Richmond, on the first Monday in February, first Monday in May, and first Monday in October, and continue each term for twenty-four juridical days. Jessamine County, at Nicholasville, on the first Monday in March, first Monday in June and first Monday in November, and continue each term for twelve juridical days. Estill County, at Irvine, on the third Monday in March, third Monday in June, and the third Monday in

November and continue each term for twelve juridical days. Clark County, at Winchester on the first Monday in April, twenty-four juridical days; on the second Monday in September, eighteen juridical days; on the first Monday in December, eighteen juridical days.

Thirty-third District—Leslie County, at Hyden, on the second Monday in January, second Monday in April, and second Monday in September, and continue each term for twenty-four juridical days. Owsley County, at Booneville, on the second Monday in February, second Monday in May, and second Monday in October, and continue each term for eighteen juridical days. Lee County, at Beattyville, on the first Monday in March, first Monday in June, and second Monday in November, and continue each term for eighteen juridical days.

The substitute amendment proposed by the Committee is as follows, viz.:

Whereas, a change has been made in the Thirty-third Judicial District of Kentucky by the formation of the Thirty-fourth Judicial District, which took the County of Letcher from said district, and, whereas changing business conditions and interests in the various counties and sections of the Twenty-third, Twenty-fifth and Thirty-third Judicial Districts of Kentucky make it necessary and expedient to re-arrange and make some changes in said districts in order to equalize the work of same; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Twenty-third Judicial District shall be composed of the Counties of Breathitt, Perry and Wolfe.

2. The Twenty-fifth Judicial District shall be composed of the Counties of Clark, Madison, Jessamine, Estill and Powell.

3. The Thirty-third Judical District shall be composed of the Counties of Leslie, Owsley and Lee.

4. The present Judge and Commonwealth's Attorney of the various districts affected by this bill shall serve in the various districts for which they were elected, subject to the changes in same made by this act.

5. The time of holding court in said three districts shall be as follows:

Twenty-third District—Wolfe County, at Campton, on the third Monday in January, first Monday in May, and the third Monday in September, and continue each term for eighteen juridical days.

Breathitt County, at Jackson, on the third Monday in February, fourth Monday in May, and second Monday in October, and continue each term twenty-four juridical days.

Perry County, at Hazard, on the fourth Monday in March, first Monday in July and third Monday in November, and continue each term for twenty-four juridical days.

Twenty-fifth District—Madison County, at Richmond, on the first Monday in February, first Monday in May, and first Monday in October, and continue each term for twenty-four juridical days.

Jessamine County, at Nicholasville, on the first Monday in March, first Monday in June, and first Monday in November, and continue each term for twelve juridical days.

Estill County, at Irvine, on the third Monday in March, third Monday in June, and the third Monday in November, and continue each term for twelve juridical days.

Clark County, at Winchester, on the first Monday April, twenty-four juridical days; on the second Monday in September, eighteen juridical days; on the first Monday in December, eighteen juridical days.

Powell County, at Stanton, on the second Monday in January, first Monday in May and fourth Monday in August, and continue each term for twelve juridical days.

Thirty-third District—Leslie County, at Hyden, on the second Monday in January, second Monday in April, and second Monday in September, and continue each term for twenty-four juridical days.

Owsley County, at Booneville, on the second Monday in February, second Monday in May, and second Monday in October, and continue each term for eighteen juridical days.

Lee County, at Beatyville, on the first Monday in March, first Monday in June, and second Monday in November, and continue each term for eighteen juridical days.

Mr. Stamper offered the following amendment to said substitute, viz.:

Amend by inserting in Section 5, line 13, after the word "February" the words "Twenty-four juridical days" and insert in the lieu of the word "first" the word "third" and after the word "May" the words "Twelve juridical days"

and in Section 5, line 14, amend by striking out the words "and continue each term for."

Said amendment was adopted.

Mr. Herrington offered the following amendment to said substitute, viz.:

Amend substitute by striking out the proposed schedule for courts in Twenty-fifth Judicial District, and substituting the following schedule:

Madison, at Richmond, first Monday in February, eighteen juridical days; first Monday in May, eighteen juridical days; first Monday in October, eighteen juridical days.

Jessamine, at Nicholasville, fourth Monday in February, twelve juridical days; fourth Monday in May, twelve juridical days; fourth Monday in October, twelve juridical days.

Powell, at Stanton, second Monday in March, twelve juridical days; second Monday in June, twelve juridical days; second Monday in November, twelve juridical days.

Clark, at Winchester, fourth Monday in March, eighteen juridical days; second Monday in September, eighteen juridical days; second Monday in December, eighteen juridical days.

Estill, at Irvine, third Monday in April, twelve juridical days; fourth Monday in June, twelve juridical days; fourth Monday in November, twelve juridical days.

Said amendment was adopted.

Said substitute as amended was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	D. Clarence Gray	Ben E. Niles
P. L. Atherton	T. J. Gregory	Luther C. Owings
George Baker	Joe Hall	William A. Perry
J. M. Bean	Elwood Hamilton	W. A. Price
Eli Berry	A. B. Hatton	S. H. Rogers
A. V. Bertram	A. B. Holland	Robt. H. Scott
Thos. M. Bertram	John W. Holland	W. A. Shawler
E. Bishop	James R. Howell	Walter S. Sinclair
H. C. Blades	W. J. Jackson	W. Scott Smith
Hiram Brown	Green R. Keller	Adam Spahn
Wallace Brown	W. E. King	A. H. Stamper
Henry Chunn	Charles H. Knight	John G. Stoll
Sidney G. Clay	William J. Kuh	C. B. Thompson
Elkanah Dickey	James A. Leach	E. B. Thompson
Francis B. Douglas	F. A. Lochry	D. B. Thurman
G. L. Drury	Hugh Mahin	Louis B. Tieman
J. H. Elder	R. C. McClure	Charles Yancy
John M. Farra	W. N. McCubbin	Edward L. Young
S. Walton Forgy	C. B. Nichols	—56

Those who voted in the negative were—

William Ahl	Allie T. Gaines

—2

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 15. An act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no city of the Third Class shall hereafter levy or collect a poll or capitation tax on the citizens thereof for any year in which the county, in which said city may be situated, shall levy or collect a poll or capitation tax on the citizens of said city.

§ 2. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George Baker	Eli Berry
P. L. Atherton	J. M. Bean	A. V. Bertram

E. Bishop	John W. Holland	William A. Perry
H. C. Blades	James R. Howell	W. A. Price
Wallace Brown	R. Dillard Hunter	S. H. Rogers
Henry Chunn	Earl C. Huntsman	Robt. H. Scott
Sidney G. Clay	W. J. Jackson	W. A. Shawler
Elkanah Dickey	W. E. King	Walter S. Sinclair
G. L. Drury	M. C. Kirk	W. Scott Smith
J. H. Elder	Charles H. Knight	Adam Spahn
John M. Farra	William J. Kuh	A. H. Stamper
S. Walton Forgy	James A. Leach	John G. Stoll
D. Clarence Gray	F. A. Lochry	C. B. Thompson
T. J. Gregory	R. C. McClure	E. B. Thompson
Joe Hall	C. B. Nichols	D. B. Thurman
Elwood Hamilton	Ben E. Niles	Louis B. Tieman
V. D. Hammond	Luther C. Owings	Charles Yancy
L. B. Herrington	A. W. Palmer	Edward L. Young

—54

Those who voted in the negative were—

Yeaman Watkins

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 248. An act to amend An act approved March 22, 1910, amending and re-enacting Section 2463 Kentucky Statutes relating to liens of mechanics and materialmen.

Together with an amendment proposed thereto by the Committee on Judiciary.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved March 22, 1910, amending and re-enacting Section 2463, Kentucky Statutes, relating to liens of mechanics and materialmen, be, and the same is hereby, amended by inserting therein immediately after the word "person" the words "who has not contracted directly with the owner or his agent" and by inserting in lieu and place of the word "immediately," the words "within seventy days," so that said section when amended will read as follows:

Section 2463. "A person who performs labor or furnishes materials in the erection, altering or repairing a house, building or other structure, or for any fixture or machinery therein, or for the excavation of cellars, cisterns, vaults, wells, or for the improvement, in any manner, of real estate by contract with, or by the written consent of, the owner, contractor, subcontractor, architect, or authorized agent, shall have a lien thereon, and upon the land upon which said improvements shall have been made or on any interest such owner has in the same, to secure the amount thereof with costs; and said lien on the land or improvements shall be superior to any mortgage or incumbrance created subsequent to the beginning of the labor or the furnishing of the materials; and said lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials; provided, that no person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he shall notify in writing, the owner of the property to be held liable or his authorized agent, within seventy days after the last item of said material or labor is furnished, of his intention to hold said property liable, and the amount for which he will claim a lien; and, Provided, That such lien shall not take precedence of a mortgage or other contract, lien or bona fide conveyance for value without notice, duly recorded

or lodged for record according to law, unless person claiming such prior lien shall before the recording of such mortgage or other contract, lien or conveyance, have filed in the clerk's office of the county court of the county wherein he shall have performed labor or furnished materials, or shall expect to perform labor or furnish materials, as aforesaid, a statement showing that he has performed or furnished, or that he expects to furnish such labor or materials, and the amount in full thereof, and his lien shall not as against the holder of said mortgage, or other contract, lien, or other conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in such statement. The statement aforesaid shall in other respects be in the form of the tenor prescribed by Section 2468. The liens provided for herein shall in no case be for a greater amount in the aggregate then the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between original contractor and the owner, then there shall be a pro rata distribution of the original contract price among said liens holders.

It shall be sufficient proof of the notice required herein that such notice was mailed to the last known address of the owner of the property upon which lien is claimed, or to his duly authorized agent within the county within which the property to be held liable is located.

The amendment as proposed by the Committee as aforesaid is as follows, viz.:

Amend by striking out the word "seventy" wherever it appears and insert in lieu thereof the word "thirty-five."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constiution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
P. L. Atherton
J. M. Bean
Eli Berry
A. V. Bertram
H. C. Blades
Hiram Brown
George P. Chinn
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
T. J. Gregory
Elwood Hamilton
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
John G. Kelley
W. E. King
M. C. Kirk
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. A. Price
S. H. Rogers
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
Yeaman Watkins
Charles Yancy
Edward L. Young
—53

Those who voted in the negative were—

E. Bishop
Henry Chunn
D. Clarence Gray
Joe Hall
William A. Perry
—5

Resolved that the title thereof be as aforesaid.

Mr. Young of the Committee on Revenue and Taxation to which the same had been referred reported a bill entitled,

S. B. 246. An act to amend Sections one and four of Article 17 of an Act of the General Assembly of Kentucky approved March 15, 1906, entitled, an act relating to revenue and taxation.

Together with an amendment thereto by way of substitute therefor.

Said bill was read the first time at length and ordered to be placed on the Calendar.

Said substitute was ordered to be printed.

And then the House adjourned.

TUESDAY, MARCH 5, 1912.

The House was opened with prayer by the Rev. C. C. Penick of the Protestant Episcopal Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The House took up for consideration from the Calendar a bill of the following, viz.:

S. B. 246. An act to amend Sections 1 and 4 of Article 17 of an act of the General Assembly, approved March 15, 1906, entitled "An act relating to revenue and taxation."

Ordered that said bill be read the second time.

The provision of the Constitution as to the second reading of said bill at length being dispensed with it was read the second time by its title and ordered to be placed in the Orders of the Day.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Dickey of the Committee on Appropriations:

S. Res. 19. Resolution for the benefit of Mrs. George W. Hickman, widow of G. W. Hickman, deceased.

By Mr. Polin of the Committee on Circuit Courts:

H. B. 475. An act to provide for the payment to sheriffs or other peace officers for guarding juries in felony cases when ordered by the court.

By same:

S. B. 312. An act to amend, extend and re-enact Section 2 of an act entitled "An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend, or if in attendance, cannot properly preside, being the act known as Chapter 3 of the acts of 1910 of the General Assembly.

By Mr. Clay of the Committee on Fish and Game:

S. B. 165. An act for the protection of game and fish.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 257. An act to amend the 335th Section of the Civil Code of Practice concerning bills of exceptions.

By same:

S. B. 252. An act to regulate the admission of attorneys to practice law.

By same:

S. B. 251. An act to amend the 203rd Section of the Criminal Code of Practice.

By Mr. Atherton of the Committee on Municipalties:

H. B. 537. An act concerning the compensation to be paid to special stenographic reporters in courts of continuous session and having two judges.

By same:

H. B. 536. An act to provide for a District Detective for an annual expense fund of $500, for the Commonwealth's Attorney of districts containing cities of the second class in the Commonwealth of Kentucky.

By same:

H. B. 362. An act to amend and re-enact Section 3050a of the Kentucky Statutes edited by John D. Carroll, and the edition of 1909, relating to the annexation of cities of the sec-

ond, third and fourth class to cities of the second class by including therein cities of the fifth class.

By same:

S. B. 258. An act to amend an act for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

By Mr. Berry of the Committee on Public Utilities:

S. B. 57. An act to regulate and control the conduct and use of gasoline, electric and steam propelled passenger, delivery and freight automobiles, locomobiles, machines and cars, and to protect and safeguard the public, and the general and public use of the public thoroughfares; to provide for the competency of certain evidence at the trial of offenses, and to provide a penalty for the violation thereof.

By Mr. Drury of the Committee on Redistricting—Congressional:

S. B. 238. An act to divide Kentucky into eleven congressional districts.

By Mr. Nichols of the Committee on Agriculture:

S. B. 56. An act to provide for the inspection of bulls, cows and calves held and owned in this State for the testing of same for the destruction of same having tuberculosis, and prescribing for using reacting animals for dairy purposes.

By Mr. Shawler of the Committee on Public Ditches and Fences:

S. B. 166. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the straightening, widening, deepening or otherwise improving public levees, ditches, drains, creeks or non-navigable streams, prescribing the method of procedure, the assessment and collection of the costs and expense thereof, creating and incorporating Boards of Drainage Commissioners, and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

By Mr. Kelley of the Committee on Cities of the Fifth and Sixth Class:

S. B. 37. An act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

At eleven o'clock a. m., the House took up for consideration a bill entitled,

S. B. 4. An act definding public roads, providing for their establishment, regulation and construction and use and maintenance, creating the office of Road Engineer and prescribing the duties thereof.

(For bill see House Journal March 1st.)

Mr. Keller moved that the vote by which said bill was ordered to be read the third time be reconsidered.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Knight and H. J. Meyers were as follows, viz.:

Those who voted in the affirmative were—

J. M. Bean	J. H. Elder	C. B. Nichols
Eli Berry	John M. Farra	Ben E. Niles
A. V. Bertram	John F. Fryer	Luther C. Owings
E. Bishop	T. J. Gregory	A. W. Palmer
H. C. Blades	Elwood Hamilton	J. R. Paxton
Wallace Brown	L. B. Herrington	John A. Polin
C. W. Burton	A. B. Holland	Stanley F. Reed
George P. Chinn	John W. Holland	S. H. Rogers
Henry Chunn	James R. Howell	Robt. H. Scott
Sidney G. Clay	R. Dillard Hunter	W. A. Shawler
Sidney J. Collins	Green R. Keller	C. B. Thompson
Elkanah Dickey	James A. Leach	D. B. Thurman
Francis B. Douglas	Hugh Mahin	E. B. Wiley
G. L. Drury	S. F. Middleton	Charles Yancy
Ben F. Egleston	W. N. McCubbin	—44

Those who voted in the negative were—

William Ahl	Joe Hall	W. F. Parker
Eugene G. Asher	Earl C. Huntsman	William A. Perry
P. L. Atherton	John G. Kelley	Marion F. Pogue
George Baker	W. E. King	S. L. Robertson
Thos. M. Bertram	M. C. Kirk	Walter S. Sinclair
John F. Brewer	Charles H. Knight	W. Scott Smith
Hiram Brown	William J. Kuh	Adam Spahn
Wm. L. Bowling	J. Albert Leach	John G. Stoll
W. Frank Cole	F. A. Lochry	E. B. Thompson
W. L. Craig	B. J. Matthews	Louis B. Tieman
Eli Farmer	Emanuel Meyer	Yeaman Watkins
S. Walton Forgy	Harry J. Meyers	J. H. Williams
Allie T. Gaines	R. C. McClure	B. S. Wilson
D. Clarence Gray	Charles D. McCrea	Edward L. Young
		—42

Mr. Wallace Brown moved that the further consideration be postponed until tomorrow, Wednesday, March the 6th, at eleven o'clock a. m.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture, the Department of Public Roads and creating the office of State Commissioner of Public Roads and prescribing the duties thereof and to fix the salary thereof and creating a State Road Fund and fixing the manner and means of disbursing the same.

Mr. H. J. Meyers moved that the further consideration of said bill be postponed and that the same be taken up for consideration immediately after the consideration of Senate Bill 4, as mentioned above.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 213. An act to amend and re-enact Section 878 of the Kentucky Statutes which is a part of Article 7 of an act of April 5, 1893, entitled corporations, private.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eight hundred and seventy-eight of the Kentucky Statutes, which is a part of Article seven,

Chapter thirty-two, of an act of April fifth, eighteen hundred and ninety-three, entitled "Corporations—Private," be and the same are hereby amended, by striking therefrom in line three, and continuing, the following: "And so much thereof as may be necessary to defray the expenses incurred in the discharge of the duties imposed upon the Secretary of State, by virtue of any of the provisions of this act, shall be paid upon the warrant of the Auditor to the Secretary of State," and inserting in lieu thereof the following: "And the Secretary of State is hereby allowed the sum of ten thousand dollars annually, out of any money in the State Treasury not otherwise appropriated, to enable him to employ and pay such clerks as he may deem necessary for the proper discharge of the business of his office, to be paid monthly as other salaries, upon the warrant of the Auditor," so that said section when so amended shall read in full as follows:

"Section eight hundred and seventy-eight. All fees collected by the Secretary of State under this chapter shall be covered by him as soon as collected into the State Treasury; and the Secretary of State is hereby allowed the sum of ten thousand dollars annually, out of any money in the State Treasury not otherwise appropriated to enable him to employ and pay such clerks as he may deem necessary for the proper discharge of the business of his office, to be paid monthly as other salaries, upon the warrant of the Auditor. The Secretary of State shall report to each session of the General Assembly a statement of the amount received from the licenses, fees or penalties under this act, and the amount expended by him, and he shall be allowed for his services under this act the sum of one thousand dollars, to be paid to him in monthly installments upon the warrant of the Auditor."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	S. Walton Forgy	Charles D. McCrea
Eugene Asher	John F. Fryer	C. B. Nichols
P. L. Atherton	Allie T. Gaines	Luther C. Owings
George Baker	T. J. Gregory	William A. Perry
J. M. Bean	Joe Hall	Marion F. Pogue
Eli Berry	Elwood Hamilton	W. A. Price
A. V. Bertram	L. B. Herrington	Stanley F. Reed
E. Bishop	A. B. Holland	S. L. Robertson
H. C. Blades	John W. Holland	Robt. H. Scott
Hiram Brown	James R. Howell	W. A. Shawler
Wallace Brown	W. E. King	W. Scott Smith
C. W. Burton	Charles H. Knight	Adam Spahn
George P. Chinn	William J. Kuh	John G. Stoll
W. Frank Cole	James A. Leach	C. B. Thompson
W. L. Craig	F. A. Lochry	E. B. Thompson
Francis B. Douglas	Hugh Mahin	D. B. Thurman
G. L. Drury	Emanuel Meyer	Louis B. Tieman
Ben F. Egleston	Harry J. Meyers	J. H. Williams
J. H. Elder	S. F. Middleton	Charles Yancy
John M. Farra	R. C. McClure	Edward L. Young

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Those who voted in the negative were—

Sidney J. Collins	Walter S. Sinclair	Yeaman Watkins
D. Clarence Gray		

—4

Resolved that the title thereof be as aforesaid.

Mr. Wallace Brown moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 4. An act to regulate and control the giving or tender of free tickets, free passes or reduced transportation for freight or passengers by railroads or other transportation companies.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No railroad or other transportation company, subject to the provisions of this act, shall directly, or indirectly, or in any manner, issue give or tender any free ticket, free pass, or fare, or reduced transportation for freight, or passengers, between points in this State, except to its officers, agents, employees, surgeons, physicians, attorneys and members of their families, to ministers of religion, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work, to persons and property engaged or employed in educational work, said transportation being issued to them while they are actually engaged in said work, to indigent, destitute and homeless persons and to such persons when transported by charitable societies and hospitals, and the necessary agents employed in such transportation; to inmates of national homes, or State homes for disabled volunteer soldiers,

and to soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary care-takers, going and returning, of live stock, poultry, milk, fruit and other freight under uniform and non-discriminatory regulations; to employees of sleeping car companies, express companies, telegraph and telephone companies, whose lines are operated over the right of way of railway and transportation companies; to railway and mail service employees; United States internal revenue office, postoffice inspectors, custom inspectors and immigration inspectors when traveling in the course of their official duties; to newsboys on trains while actually engaged in disposing of newspaper wares and merchandise on said train; baggage agents, witnesses attending any legal investigation in which the company is interested; persons injured in accidents, or wrecks, and physicians and nurses attending such person; or to carry at reduced rates property to or from fairs and expositions fo exhibits thereat.

Nothing in this act contained shall be construed to prohibit the interchange of free or reduced transportation between common carriers subject to this act, or to the acts of Congress of the United States regulating interstate commerce, for their officers, agents, employees, attorneys, physicians, surgeons and members of their families, nor to prevent railroad or other transportation companies from entering into contracts with telephone or cable companies for the exchange of services, nor to prohibit a carrier from transporting free or at reduced rates, contractors or other employees, mateials or supplies for use or engaged in carrying out their contracts with transportation companies, provided such arrangement for free or reduced rate carriers are made a part of the specifications upon which the contact is based, or the contract itself, nor to prohibit the carriage of passengers or property free or at reduced rates, with the object of provid-

ing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Nothing in this act shall be construed to prevent the issuance of mileage, excursion or commutation passenger tickets, or joint interchangeable mileage tickets with special privileges as to the amount of free baggage that may be carried under mileage tickets of 1,000 miles or more; provided, that the railroad commission of this State may put reasonable restrictions upon the issuance of such mileage, or commutation passenger tickets and joint interchangeable mileage tickets; provided, that the term "employees" as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled, or infirm, in service of such company, ex-employees traveling for the purpose of entering the service of any company, and the remains of persons dying while in the employment of any such company; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso; the families of persons killed and the widows during widowhood and minor children during minority, of persons who died while in the service of any such company; provided, that no free tickets, free passes, or free or reduced transportation, shall be issued, given or tendered to any officer, agent or employee of a railroad, or other transportation company, who is, at the same time a shipper, or receiver of freight, or officer, agent or employee of shipper, or receiver of freight; provided, further, that the members of the railroad commission of this State, their appointees and employees, shall be entitled when, and only when, in the performance of their official duties, to free transportation over the lines of all railroads, or other transportation companies, within this State.

§ 2. Every railroad company, or other transportation company, subject to the provisions of this act, shall imme-

diately, when a pass is issued to any person, give notice in writing to the railroad commissioners of this State of the date, time and kind, or character, of pass issued and reduced rate or mileage furnished to any person by railroads or other transportation companies and such list or record shall be open to public inspection at all times.

§ 3. Every railroad, or other transportation company, which shall issue, or tender, any free ticket, or pass, or any other reduced rate transportation for freight, or passengers, between points in this State, except as authorized by this act, shall, for each offense, be guilty of a misdemeanor and, upon conviction thereof, shall be punished therefor by fine of not less than $500.00 nor more than $2,500.00. Every officer, agent or employee of any railroad, or other transportation company, who shall issue, tender or authorize the issue, or tender, of any free ticket, or free pass, or any free or reduced rate transportation, for freight or passengers, except as permited by this act, and every person soliciting, accepting, receiving, or using any such free ticket, free pass, or free or reduced rate transportation, except as permitted by this act, shall be guilty of a misdemeanor and shall, upon conviction, be punished by fine of not less than $500.00, nor more than $1,000.00, or by imprisonment in the county jail for not less than three months, nor more than nine months, or by both fine and imprisonment.

§ 4. Any officer, or agent of any railroad, or other transportation company, subject to the provisions of this act, who, by means of false billing, false classification, false weight, or by any other device, or subterfuge, shall suffer or permit any person, or persons, to obtain transportation for property at a less, different or greater rate than the established rates enforced, or who by false billing, false classification, false weighing, or by any device whatever, shall charge

any person, firm or corporation a less, different or greater rate; for the transportation of property than the established rates, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by fine of not less than $100.00 nor more than $1,000.00, or by imprisonment in the county jail for not less than one month, nor more than nine months. Any person who shall solicit, or procure, any officer, or agent of any railroad, or other transportation company, subject to the provisions of this act, either by false representations, or otherwise, to do any of the acts which such officer, or agent, is forbidden by this act from doing, shall also be guilty of a misdemeanor and, upon conviction thereof, be punished by fine of not less than $100.00, nor more than $1,000.00, or by imprisonment in the county jail for not less than one month, nor more than nine months, or by both such fine and imprisonment.

Together with an amendment by way of substitute proposed thereto by the Committee on Railroads.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No railroad or transportation company, subject to the provisions of this act, shall directly or indirectly, or in any manner, issue, give or tender any free ticket, free pass or fare, or reduced transportation, not common to the public, to any State, district, city, town, county officer, any judge of the Court of Appeals, city, county or cirucit courts, or any member of the General Assembly, and any such officer who shall accept or use a free pass or passage, or shall receive or use tickets or transportation at reduced rates, not common to the public, shall forfeit his office.

Any railroad, steamboat or other common carrier violating the provisions of this act, shall be punished by a fine of not less than $500.00 nor more than $2,500.00.

Mr. Keller moved that the further consideration of said bill and amendment be postponed indefinitely.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hamilton and Dickey were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	R. C. McClure
Eugene G. Asher	T. J. Gregory	Charles D. McCrea
George Baker	V. D. Hammond	W. N. McCubbin
Eli Berry	L. B. Herrington	C. B. Nichols
A. V. Bertram	A. B. Holland	Ben E. Niles
Thos. M. Bertram	James R. Howell	Luther C. Owings
John F. Brewer	R. Dillard Hunter	A. W. Palmer
Wm. L. Bowling	Earl C. Huntsman	W. F. Parker
Henry Chunn	Green R. Keller	William A. Perry
Sidney G. Clay	W. E. King	John A. Polin
W. Frank Cole	M. C. Kirk	S. L. Robertson
Sidney J. Collins	Charles H. Knight	S. H. Rogers
W. L. Craig	William J. Kuh	Walter S. Sinclair
Francis B. Douglas	J. Albert Leach	W. Scott Smith
Ben F. Egleston	F. A. Lochry	Adam Spahn
J. H. Elder	Hugh Mahin	John G. Stoll
S. Walton Forgy	Emanuel Meyer	E. B. Thompson
John F. Fryer	Harry J. Meyers	D. B. Thurman
Allie T. Gaines	S. F. Middleton	Charles Yancy

—57

Those who voted in the negative were—

P. L. Atherton	Elwood Hamilton	Stanley F. Reed
J. M. Bean	W. J. Jackson	Robt. H. Scott
E. Bishop	John G. Kelley	C. B. Thompson
George P. Chinn	James A. Leach	Yeaman Watkins
Elkanah Dickey	B. J. Matthews	David W. Wiley
G. L. Drury	J. R. Paxton	B. S. Wilson
John M. Farra	Marion F. Pogue	Speaker Terrell
Joe Hall	W. A. Price	—23

Mr. Keller moved to reconsider the vote by which the further consideration of said bill and amendments to said bill were indefinitely postponed and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 8. An act to regulate the practice of veterinary medicine, surgery and denistry in the State of Kentucky, to establish a State Board of Veterinary Medical Examiners and to provide penalties for violating the provisions thereof.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor shall appoint a board of examiners within thirty days after passage of this act to be known as the State Board of Veterinary Medical Examiners, said board to consist of Commissioner of Agriculture, Labor and Statistics, who shall be chairman, and four members, who shall be persons of recognized professional ability and honor in the

veterinary profession in this State, and graduates of a school of veterinary medicine, surgery or dentistry, recognized by the American Veterinary Medical Association, and who shall have practiced veterinary medicine, surgery or dentistry, for at least five years immediately preceding such appointment. The term of office of the members shall begin on the first Monday of July in the year 1912, and they shall hold office as follows: One for one year, one for two years, one for three years, and one for four years, or until their successors are appointed. The Governor shall appoint annually thereafter, before the first day of June, beginning with the year 1913, one veterinarian qualified as aforesaid, who shall hold office for four years from the first day of July next ensuing, and the Governor shall fill any vacancies that may occur. Any member of said board may be removed from office for cause by the Governor. Each member of the board shall receive ten dollars per day for each day of service actually given in carrying out his duties under this act, in addition to his necessary traveling and contingent expenses actually incurred in attending the meetings of the board.

§ 2. The members of the board shall hold their first meeting on the first Monday in July, 1912, or as soon thereafter as possible at such hour and place as they shall determine, and they shall immediately proceed to organize by electing a president, secretary and treasurer, the last two offices, namely, secretary and treasurer, to be held by one person if desirable. Said officers shall hold their respective offices until the expiration of the term for which they were appointed upon the board, and at that time the board shall hold a meeting for electing a successor. Said board shall hold a regular meeting for giving examinations under this act on the last Monday in August of each year commencing August, 1912, and such additional meetings for examinations as they may deem necessary. All meetings shall be held at such time and place as the board may see fit, and it shall give due notice

thereof at such time and in such manner as it may determine. Said board shall have a common seal, and its president be empowered to issue subpoenas and administer oaths in any matter pertaining to its duties; it shall make and adopt all necessary rules, regulations and by-laws not consistent with the laws of this State or of the United States, necessary to carry out the provisions of this act.

§ 3. Said board shall notify all persons practicing veterinary medicine, surgery or dentistry in this Commonwealth of the provisions of this act by publishing the same in one or more newspapers in this Commonwealth, and every person who is a graduate of a school of veterinary medicine, surgery or dentistry recognized by said board, and also every person who has been a practitioner of veterinary medicine, surgery or dentistry in this Commonwealth for a period of five years next prior to the passage of this act, shall upon the payment of a fee of ten dollars, be entitled to a license, and said board shall issue to him a certificate thereof signed by its president and secretary and attested by its seal, which certificate he shall have registered, as provided for in Section 7. Registration under the provisions of this section shall cease on the first day of January in the year 1912. All applications for license under this act shall be made upon blanks furnished by the board, and shall be signed and sworn to by the applicant.

§ 4. Any person not entitled to a certificate of license as aforesaid in Section 3, or any person who shall hereafter wish to practice veterinary medicine, surgery or dentistry in this State, if he gives satisfactory evidence to the board that he is a graduate of some reputable school of veterinary medicine, surgery or dentistry, and that he is twenty-one years of age, shall, upon the payment of a fee of ten dollars and satisfactory proof of good moral character, be entitled to

practice veterinary medicine, surgery or dentistry, upon presenting his diploma which must be one recognized by the Bureau of Animal Industry, and paying the license fee of ten dollars, or shall be entitled to an examination as hereinafter provided for. If such person passes said examination satisfactory he shall be entitled to a license and the board shall issue to him a certificate of license signed by its president and secretary, and attested by its seal. Any person who fails to pass a satisfactory examination and is therefore refused a certificate of license, may be re-examined at any meeting of the board within two years of the time of such refusal without additional fee, and thereafter may be examined at any meeting upon the payment of a fee of five dollars for each examination.

§ 5. Examinations hereinabove provided for shall be held by the board upon the following subjects: Anatomy, surgery, dentistry, physiology, obstetrics, pathology, bacteriology, diagnosis and practice, therapeutics and materia medica, hygiene, meat and milk inspection. These examinations shall be conducted in writing and in such manner that the results shall be entirely fair and impartial, the applicants being known by numbers so that no member of the board shall be able to identifiy the papers of any applicant until they have been graded and the case passed upon, and all questions and answers with the grade attached shall be preserved for one year. All applicants examined at any one time shall have the same questions asked.them, and shall be required to make an average grade of 60 with a minimum of 50 in any one branch. No member of the board shall be a stockholder or member of the faculty or board of trustees of any veterinary college of medicine, surgery or dentistry.

§ 6. The board shall keep a record of their proceedings in a book provided for that purpose, which book shall be open

for inspections, and shall record the name of each applicant, the time of granting a certificate of license, the names of the members of the board present; and where a certificate of license is denied by the board to any applicant under authority of this act, the fact and ground of such denial shall be entered in the minutes of the board and shall be communicated in writing to such applicant.

§ 7. Every person receiving a certificate of license from the board shall forthwith have it recorded in the office of the county clerk of the county in which he makes his residence, and the date of such recording shall be endorsed thereon; and said certificate of license when so recorded shall not be collaterally questioned in any legal proceedings. Until the certificate of license is recorded, the holder shall not exercise any of the rights or privileges therein conferred; and in case said certificate is not recorded within three months from the date of its issuance it shall become invalid, but the two provisions of this sentence shall not apply to those receiving certificates under Section 3. The clerk shall be paid fifty cents for recording each certificate and making the report thereof, provided for in Section 8. Any registered veterinarian removing his residence from one county in this State to another in order to practice veterinary medicine, surgery or dentistry, shall in like manner record the certificate of license in the county to which he removes, and the holder of the certificate shall pay to the county clerk the usual fee for so doing. Practitioners who have registered in the county in which they reside may go from one county to another on professional business without being required to register.

§ 8. The county court clerk of each county shall keep in a book provided for that purpose a complete list of the certificates of license recorded by him, together with the date of each and the date of recording. If the certificate of license

was issued after examination and not under Section 3, the said county clerk shall further record the name of the veterinary college which conferred the diploma on which the certificate is based, and the date when conferred; and in any case the clerk shall hereafter, beginning with the last Monday in August, 1912, and regularly at the expiration of every six months thereafter, report to the secretary of said board a list of all who have registered, for which service the original recording fee shall be adequate compensation.

§ 9. The fees received for examination and issuing certificates of license shall be paid yearly by the board to the Commissioner of Agriculture, Labor and Statistics, to be used for the benefit of the agricultural interests of the State, after deducting the following items:

1. The fees and personal expenses of the board, mentioned in Section 1.

2. The actual expenses of the board incident to providing a meeting place, stationery, etc., issuing certificates, keeping records and otherwise fulfilling the duties imposed by this act.

3. The additional sum of one hundred dollars to be held by said board as a sinking fund to meet any deficiency that may arise the ensuing year; provided, however, that if at the end of any year there is a balance in said sinking fund, only so much should be held back for such fund as shall increase said balance to one hundred dollars.

Subsection 4. The secretary of said board shall render an annual statement of said expenses, with vouchers attached to the Commissioner of Agriculture, Labor and Statistics, who shall have the power to have the books of same examined at any time.

§ 10. It shall be unlawful after the first day of July, 1912, for any person to practice veterinary medicine, surgery or dentistry or any branch thereof in this Commonwealth if he does not hold a certificate of license issued by said board and registered as required herein.

§ 11. Any person not licensed and registered as provided for in this act who shall practice veterinary medicine, surgery or dentistry or any branch thereof in this Commonwealth shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars or by imprisonment not exceeding two months, or by both such fine and imprisonment.

§ 12. The grand jury in each county in this State shall be given inquisitorial power over all offenses against, or violations of, this act, and it shall be the duty of the board or any member thereof to report any violations of this act to the proper authorities.

§ 13. The board may refuse to issue the certificate provided for in this act for any of the following causes:

1. The presentation to the board of any license, certificate, or diploma which was illegally or fraudulently obtained, or the practice of fraud, or deception, in passing examination.

2. Habitual drunkenness.

3. Or other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

The board may suspend or revoke a certificate for any of the causes for which it may refuse to grant the license under the provisions of this act.

In all proceedings for suspension or revocation under this act, the holder of the certificate shall be furnished with a copy of the complaint and shall be given at least thirty days thereafter to prepare for hearing; he shall be heard in person, or by counsel, or both, as he may elect, and in such hearing and in all matters arising in the course of their duties the president and secretary shall have authority to administer oaths, and in such hearing the board may take oral or written proof for and against the holder of the certificate, as it may deem will best present the facts. In all cases of refusal, suspension, or revocation, the applicant or holder may appeal to the Governor, who may affirm or overrule the decision of the board. Upon the suspension or revocation of any certificate it shall be the duty of the board to give official notice of such action under seal to the county clerk of the county in which the holder is registered, and such name shall be marked as suspended for the period indicated, or stricken from the register in accordance with such notice, and if such holder shall continue the practice he shall thereupon be subject to the penalties provided for in this law.

§ 14. Any person shall be regarded as practicing veterinary medicine, surgery or dentistry within the meaning of this act who professes publicly to be a veterinary doctor, surgeon or dentist, respectively, or who appeands to his name any initials or title implying qualifications to practice or who shall treat, operate on or prescribe for any physical ailment, or any physical injury to, or deformity of, any domestic animal, for which he shall receive any compensation, either directly or indirectly. Nothing in this act shall apply to persons gratuitously treating animals in cases of emergency; provided they do not represent to be veterinarians or use any title or degree apertaining to the practice thereof. And nothing in this act shall interfere with or prevent persons in rural districts, or small towns, where the services of a reg-

istered veterinarian are not obtainable, from treating, operating upon or prescribing for domestic animals and charging for same, but said last-named persons shall not be allowed to thus treat, operate upon or prescribe for any domestic animal until they have first obtained the written consent of said Board of Veterinary Medical Examiners, and said board shall keep a record of those to whom they give such consent.

§ 15. It is further provided that nothing in this act shall prevent or interfere with students practicing under preceptors from the end of one college session to the beginning of the college session next following.

§ 16. Nothing in this act shall be construed to interfere with or punish veterinarians in the United States army or in the United States Bureau of Animal Industry of State Live Stock Commissioner or his assistants or deputies while so commissioned, or any lawfully qualified veterinarian residing in other States or counties meeting registered veterinarians of this State in consultation or any veterinarian residing in the border of a neighboring State, and duly authorized under the laws thereof, to practice veterinary medicine, surgery or dentistry therein, whose practice extends into the limits of this State; provided that such practitioner shall not open any office or appoint a place to meet patients within the limits of Kentucky.

§ 17. This act shall take effect and be in force in accordance of the provisions of the Constitution, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. Douglas offered he following amendments to said bill:

Amend by making the word "consistent" in line Section 2, read "inconsistent." Also amend Section 3, lien 13, to read "January in the year 1913" instead of "January in the year 1912."

Said amendment was adopted.

Mr. Polin offered the following amendment to said bill, viz.:

Amend by striking out lines 15, 16, 17, 18 and 19 of Section 14.

Said amendment was adopted.

Mr. Kirk offered the following amendment to said bill:

Amend Section 14 of said bill by adding in line 13 after word "obtainable" the words "or in counties where no licensed veterinarian resides." And by striking out all of the remaining part of said sectios bèginning in line 15 with the word "but" and ending the word "consent" in line 19.

Said amendment was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton	John M. Farra	John A. Polin
J. M. Bean	S. Walton Forgy	W. A. Price
Eli Berry	John F. Fryer	Stanley F. Reed
E. Bishop	Elwood Hamilton	S. L. Robertson
C. W. Burton	Green R. Keller	Robert H. Scott
Sidney G. Clay	M. C. Kirk	W. Scott Smith
Sidney J. Collins	Charles H. Knight	Adam Spahn
Elkanah Dickey	William J. Kuh	C. B. Thompson
Francis B. Douglas	James A. Leach	Louis B. Tieman
G. L. Drury	C. B. Nichols	E. B. Wiley
Ben F. Egleston	William A. Perry	—32

Those who voted in the negative were—

William Ahl	T. J. Gregory	W. N. McCubbin
Eugene G. Asher	Joe Hall	Ben E. Niles
George Baker	L. B. Herrington	Luther C. Owings
A. V. Bertram	James R. Howell	W. F. Parker
H. C. Blades	R. Dillard Hunter	J. R. Paxton
John F. Brewer	Earl C. Huntsman	Marion F. Pogue
Hiram Brown	John G. Kelley	W. A. Shawler
Wm. L. Bowling	J. Albert Leach	Walter S. Sinclair
George P. Chinn	F. A. Lochry	Yeaman Watkins
Henry Chunn	Hugh Mahin	J. H. Williams
W. Frank Cole	B. J. Matthews	B. S. Wilson
W. L. Craig	Emanuel Meyer	Charles Yancy
J. H. Elder	Harry J. Meyers	
Allie T. Gaines	S. F. Middleton	—42
D. Clarence Gray	Charles D. McCrea	

And so said bill was rejected.

A message was received from the Senate announcing that they had received official information that the Governor

had approved and signed bills which originated in that body entitled,

S. B. 19. An act granting pensions to indigent and disabled Confederate soldiers and the widows of Confederate soldiers.

S. B. 21. An act relating to fire, lightning, hail, windstorm and sprinkler leakage insurance and to regulate and control the rates of premium thereon and creating a State Insurance Board and defining the powers and duties of said Board.

That they had passed bills which originated in the House of Representatives of the following titles,

H. B. 38. An act to amend Section 3783, Kentucky Statutes, relating to the salary of patrols of counties having a population of over one hundred and fifty thousand inhabitants.

H. B. 24. An act to create the thirty-sixth judicial district of Kentucky, to change the fourteenth judical district and to provide for the holding of courts in the said thirty-sixth judicial district.

With amendments to the last named bill.

(For said bill see House Journal, February 26th.)

The amendments as proposed to said bill by the Senate are as follows, viz.:

IN SENATE

Monday, March 4, 1912.

Resolved that H. B. No. 24 do pass as amended as follows, viz.:

1. Amend Section 4 of said bill by adding thereto the following: "The Governor shall appoint a Circuit Judge for said Thirty-sixth Judicial District to serve until the next regular election occurring not less than three months thereafter, when said office shall be filled by election."

2. Amend the title by striking out the period after the word district at the close of said title, and inserting a comma in lieu thereof, and by adding to said title and after said comma the following words: "relating to the Commonwealth's Attorney, and appointment and election of a Circuit Judge."

Said amendments were concurred in.

The question being taken on the passage of said bill as amended it was decided in the affirmative.

The yeas and nays being thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John F. Brewer	W. L. Craig
George Baker	Wallace Brown	Elkanah Dickey
J. M. Bean	C. W. Burton	Francis B. Douglas
Eli Berry	George P. Chinn	G. L. Drury
A. V. Bertram	Henry Chunn	Ben F. Egleston
E. Bishop	Sidney G. Clay	J. H. Elder
H. C. Blades	Sidney J. Collins	John M. Farra

S. Walton Forgy	M. C. Kirk	John A. Polin
John F. Fryer	Charles H. Knight	Stanley F. Reed
Allie T. Gaines	William J. Kuh	Robt. H. Scott
D. Clarence Gray	James A. Leach	Walter S. Sinclair
T. J. Gregory	F. A. Lochry	W. Scott Smith
Joe Hall	Emanuel Meyer	C. B. Thompson
Elwood Hamilton	S. F. Middleton	D. B. Thurman
L. B. Herrington	R. C. McClure	Yeaman Watkins
A. B. Holland	Charles D. McCrea	E B. Wiley
John W. Holland	Ben E. Niles	J. H. Williams
R. Dillard Hunter	Luther C. Owings	B. S. Wilson
Earl C. Huntsman	J. R. Paxton	Charles Yancy
Green R. Keller	William A. Perry	
W. E. King	Marion F. Pogue	—61

A message was received from the Senate announcing that they had passed bills of the following titles,

1. S. B. 74. An act to appropriate money to erect and equip a filter and appurtenances thereto for the Eddyville Penitentiary; to construct a concrete arch bridge across Lick Creek for the Eddyville Penitentiary and to finish the tuberculosis hospital for the Eddyville Penitentiary.

2. S. B. 237. An act to amend Section 330 of the Kentucky Statutes.

3. S. B. 308. An act to amend Section 217 and Subsection 8 of 217a of Article 1 and Section 272 of Article 3, Chapter 16, Kentucky Statutes, Carroll's 1909 edition, said chapter being entitled therein "Charitable Institutions."

Said bills were ordered to be printed and referred,

1. To Committee on State Prisons and Houses of Reform.

2. To Committee on Agriculture.

3. To Committee on Charitable Institutions.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 95. An act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

CONTINUANCE OF BOARD AND MANNER OF APPOINTMENT.

§ 1. That the Kentucky State Board of Dental Examiners heretofore created be continued, to consist of five practicing dentists, whose duty it shall be to carry out the purposes and enforce the provisions of this act as hereinafter specified. The members of said board shall be appointed by the Governor from a list of three names, to be recommended by the Kentucky State Dental Association, at its annual meeting, and at the time of their appointment upon said board must have been actual residents and legally licensed practicing dentists of this State for a period of five years or more, immediately preceding their appointment; provided, however, that no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning or dental supply business. The term for which the members of said board shall hold office shall be five years, provided the present members of the board in office at the time at the passage of this act shall continue in office until their respective terms have expired and until their succes-

sors are appointed and qualified. All vacancies in said board shall be filled by the Governor from said list.

OFFICERS, MEETINGS, RECORDS, ETC.

§ 2. Said Board of Dental Examiners shall choose one of its members President and one Secretary-Treasurer thereof, at an annual meeting on the first Tuesday in June of each year. Said board may meet oftener if necessary in the discretion of the board at such places as it may deem proper, for the examination of applicants who may desire to practice dentistry in this State, and for the transaction of any other business that may come before it. Said board shall keep a record book in which shall be registered the names, addresses and license numbers of all persons legally entitled to practice dentistry in this State. A majority of the members of said board shall at all times constitute a quorum for the transaction of business, and the proceedings of said board shall be recorded in a minute book open at all reasonable times to public inspection. The Secretary-Treasurer shall execute to the said board bond with approved security for the faithful performance of his duties.

LICENSES AND REGISTRATION AND HOW GRANTED.

§ 3. No person shall practice dentistry in this State or attempt to do so after the passage of this act without first applying for and obtaining a license for such purpose from the said Kentucky State Board of Dental Examiners, and registering such license as herein provided, and this provision applies to all persons whether they have heretofore practiced dentistry or not in this State, except such persons as have been heretofore licensed and registered. Application shall be made to the said board in writing for license and shall in every instance be accompanied by the examina-

tion fee of twenty dollars, which sum is authorized to be charged for each examination by said board. The applicant must be of good moral character, at least twenty-one years of age at the time of making the application, and the application of each person seeking a license must be accompanied by satisfactory evidence to said board that the applicant so applying is a graduate of and has a diploma from the faculty of a reputable dental college, school or dental department of a reputable university. Examinations must be both written and clinical, and of such a character as to thoroughly test the qualifications of the applicant to practice dentistry, and the board may, in its discretion, refuse to grant license to any person they find guilty of cheating, deception or fraud during such examination.

REGISTERING LICENSE WITH COUNTY CLERK.

§ 4. Every person licensed to practice dentistry in this State by the said Kentucky State Board of Dental Examiners, as herein provided, shall before beginning the practice of dentistry, cause said license to be registered with the county clerk of the county or counties in which such person desires to engage in the practice of dentistry by appearing before such clerk and filing his affidavit, showing that he has been examined and licensed as herein provided, and the county clerk of each county is authorized to receive a registration fee of fifty cents for each registration.

DISPLAY OF LICENSE AND CERTIFICATE OF REGISTRATION.

§ 5. The license to practice dentistry herein provided and the certificate of registration, shall at all times be displayed in a conspicuous place in his or her office wherein he or she shall practice the profession of dentistry, and he or she shall whenever requested exhibit such license to any of

the members of the Board of Dental Examiners or its authorized agent.

REVOCATION OF LICENSE.

§ 6. The State Board of Dental Examiners may refuse to issue licenses or suspend or revoke the same for any of the following causes:

1. The presentation to the board of any diploma, license or certificate, illegally or fraudulently obtained or one obtained from an institution which is not reputable, or an unrecognized or irregular institution or State board, or the practice of any fraud or deception.

2. The commission of a criminal operation or conviction of a felony involving moral turpitude, or chronic or persistent inebriety or addiction to drugs, or if the person holding such license shall advertise to practice dentistry without causing pain, or shall in any other manner advertise with a view of deceiving or defrauding the public, or advertise to use any drug, nostrum, patent or other proprietary drug or medicine of any unknown formula, or be guilty of any grossly unprofessional conduct likely to deceive or defraud the public, or which disqualifies the applicant to practice with safety to the people.

In all proceedings for a suspension or revocation of license, the holder thereof shall be given thirty days' notice to prepare for a hearing, and he shall be heard in person or by counsel or by both. The President and Secretary of the State Board of Dental Examiners shall have the power to administer oaths, in the hearing of all matters arising in the course of their duties, and in such trials as are herein referred to, the State Board of Dental Examiners may take oral or written proof for or against the complaint, as it may

deem will best present the facts. In all cases of refusal to issue license, suspension or revocation, the applicant or holder may appeal to the Governor of the State within thirty days after such action by the State Board of Dental Examiners.

FAILURE TO REGISTER LICENSE.

§ 7. Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry from the State Board of Dental Examiners, to register said license with the county clerk of some county in this State within ninety days from the date of the issual of such license, shall work a forfeiture of such license and no license when once forfeited shall be restored except upon payment to the said board of the sum of ten dollars for such neglect, failure or refusal to register such license.

EXAMINATION FEES AND COMPENSATION TO MEMBERS OF THE BOARD.

§ 8. In order to provide the means for carrying out and enforcing the provisions of this act, the said board shall charge each person applying for an examination for a license to practice dentistry in this State an examination fee of twenty dollars, and in addition thereto, a fee of one dollar for every license or duplicate license issued by said board, and out of the funds coming into possession of the said board under the provisions of this act, the members of said board shall each receive as compensation the sum of five dollars for each day actually engaged in duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of said board; provided that the Secretary of the board shall be allowed a reasonable salary to be fixed by the board and no per diem; all expenses shall be paid from the fees, fines and penalties received and recovered by the board

under the provisions of this act; provided that no part of said expenses shall be paid out of the State Treasury. All moneys received in excess of said per diem allowance and other expenses, herein provided, shall be held by the Secretary-Treasurer of said board as a special fund for meeting the other expenses of said board, and for such use as the said board may deem necessary in the enforcement of this act, and said board shall make an annual report of its proceedings to the Governor on or before the 31st day of December each year, showing all moneys received and disbursed by it pursuant to this act.

RENEWAL CERTIFICATES OF LICENSE.

§ 9. On or before the 31st day of December each year, every dentist legally licensed to practice dentistry in this State shall transmit to the Secretary of the said Board of Dental Examiners his signature and address, together with the fee of one dollar, and the number of his or her registration certificate, and receive therefor a renewal license certificate. Any license granted by said board shall be canceled and annulled if the holder thereof fails to secure the renewal certificate herein provided for within a period of three months after December 31, of each year, provided any license thus canceled may be restored by the board upon the payment of a fee of five dollars if paid within one year after such cancellation.

PENALTY FOR FRAUD IN OBTAINING CERTIFICATE OF REGISTRATION.

§ 10. Any person filing or attempting to file as his own the diploma or license of another, or a forged affidavit of identification or qualification shall be deemed guilty of a felony and be punishable upon conviction by imprisonment

in the penitentiary of not less than one nor more than five years.

DENTISTRY DEFINED.

§ 11. Any person shall be regarded as practicing dentistry within the meaning of this act, who shall diagnose or profess to diagnose, or treat or profess to treat, any of the diseases or lesions of the oral cavity, teeth, gums, maxillary bones, or extract teeth, or shall prepare or fill cavities in human teeth, correct malposition of teeth or jaws, or supply artificial teeth as substitutes for natural teeth, or administer anaesthetics, general or local, or any other practice included in the curricula of recognized dental colleges. Provided, that nothing in this act shall be so construed as to prevent regularly licensed physicians and surgeons from extracting teeth or treating any diseases coming within the province of the practice of medicine.

EXEMPTION FROM JURY SERVICE.

§ 12. All dentists of the State shall be exempt from services as jurors in any of the courts of this State.

SIGNATURES, SEAL, ETC., ON LICENSE.

§ 13. All licenses issued by said board shall bear a serial number, the full name of the applicant, the date of the issue, the seal of the board, and be signed by a majority of the members and attested by its President and Secretary.

UNLAWFUL TO PRACTICE UNDER NAME OF A COMPANY.

§ 14. It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under the name of any company, association or corporation,

except those who have been in actual business for fifteen years or more prior to the 19th day of March, 1908, and every person or persons practicing or offering to practice dentistry or dental surgery, shall practice under his or her own respective name or names only.

DENTAL RECIPROCITY.

§ 15. Said board may in its discretion issue a license to practice dentistry without examination other than clinical to a legal and ethical practitioner of dentistry who removes to Kentucky from another State or Territory of the United States, whose standard of requirement is equal to that of Kentucky, and in which he or she conducted a legal and ethical practice of dentistry for at least five years immediately preceding his or her removal, provided such applicant shall present a certificate from the Dental Board or a like board of the State or Territory from which he or she removes, certifying that he or she is a legal, competent and ethical dentist, and of good moral character; and provided, further, that such certificate is presented to the Kentucky State Board of Dental Examiners within six months from the date of its issue, and that the board of such other State or Territory shall permit in like manner by law the recognition of licenses issued by the Kentucky State Board of Dental Examiners when presented to such other board by legal practitioners of dentistry from this State who may wish to remove to or practice in such other State or Territory.

RECIPROCITY LEAVING STATE.

§ 16. Anyone who is a legal, ethical and competent practitioner of dentistry in the State of Kentucky, and of good moral character, and known to the Board of Dental Examiners as such, who shall desire to change his or her resi-

dence to another State or Territory, or foreign country, shall upon application to the said Board of Dental Examiners of this State, receive a special certificate over the signature of the President and Secretary of said board and bearing its seal, which shall attest the facts above mentioned in Section 15 and give the data upon which he or she was registered and licensed.

RECIPROCITY FEES.

§ 17. The fee for issuing a license to a legal practitioner from another State as provided in Section 15 shall be twenty-five dollars, and the fee for issuing a certificate to the legal practitioner in this State, as provided in Section 16, shall be five dollars, and in each case the fee shall be paid in cash before the license or certificate respectively shall be issued.

PENALTY FOR PRACTICING WITHOUT LICENSE OR CERTIFICATE.

§ 18. Any person who shall practice or attempt to practice dentistry in this State without having been licensed and registered for that purpose as herein provided, or who shall violate any of the provisions of this act, for which no specific penalty has been provided herein, shall be subject to a fine of not less than five dollars nor more than twenty dollars for each offense, and each act of dentistry shall be deemed a separate offense and constitute a practicing of dentistry within the meaning of this act, and each day that a person shall hold himself out as practicing in any name except his own, shall be deemed a separate offense. The opening of an office for the purpose of practicing dentistry, or to announce to the public in any way a readiness to do any act defined herein as being dentistry, shall be deemed to engage in the practice of dentistry within the meaning of this act.

DISPOSITION OF FINES AND FEES.

§ 19. All fees, as well as all fines, imposed and collected under the provisions of this act, shall be paid to the Secretary-Treasurer of the Kentucky State Board of Dental Examiners for the use of said board.

DRUGGISTS MAY FILL DENTISTS' PRESCRIPTIONS.

§ 20. Legally licensed druggists of this State may fill prescriptions of legally licensed dentists of this State for any drug necessary to the practice of dentistry.

RULES GOVERNING COLLEGES, ETC.

§ 21. Said Dental Board shall make rules to require the dental schools, colleges, or dental department of universities to live up to a standard established and maintained by the National Faculties Association or by a joint conference of the National Faculties Association and the National Association of Examiners, and said board may determine the reputability of schools by their compliance with said rules and regulations.

REPEALING FORMER DENTAL LAWS.

§ 22. All laws or parts of laws in conflict with this act are hereby repealed.

Together with an amendment proposed thereto by the Committee on Judiciary.

Said amendment is as follows, viz.: Strike out Section 21, and in lieu thereof insert the following:

Section 21. This act shall not prevent students from performing dental operation under the supervision of competent instructors within the dental school, college or dental department of a university recognized by the Kentucky State Board of Dental Examiners.

Said amendment was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	M. C. Kirk
Eugene G. Asher	Ben F. Egleston	Charles H. Knight
P. L. Atherton	J. H. Elder	William J. Kuh
George Baker	John M. Farra	James A. Leach
J. M. Bean	S. Walton Forgy	F. A. Lochry
Eli Berry	Allie T. Gaines	B. J. Matthews
E. Bishop	Elwood Hamilton	Emanuel Meyer
H. C. Blades	V. D. Hammond	Harry J. Meyers
Hiram Brown	L. B. Herrington	S. F. Middleton
Wallace Brown	A. B. Holland	R. C. McClure
C. W. Burton	John W. Holland	Charles D. McCrea
George P. Chinn	James R. Howell	W. N. McCubbin
Henry Chunn	R. Dillard Hunter	Ben E. Niles
Sidney G. Clay	Earl C. Huntsman	Luther C. Owings
W. Frank Cole	Green R. Keller	A. W. Palmer
Sidney J. Collins	John G. Kelley	W. F. Parker
Elkanah Dickey	W. E. King	J. R. Paxton

William A. Perry	Robt. H. Scott	D. B. Thurman
Marion F. Pogue	W. A. Shawler	Louis B. Tieman
John A. Polin	Walter S. Sinclair	Yeaman Watkins
W. A. Price	W. Scott Smith	E. B. Wiley
Stanley F. Reed	Adam Spahn	B. S. Wilson
S. L. Robertson	C. B. Thompson	Charles Yancy
S. H. Rogers	E. B. Thompson	Edward L. Young

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Those who voted in the negative were—

A. V. Bertram	D. Clarence Gray	T. J. Gregory
John F. Fryer		

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 347. An act to aid and promote the building of good roads in the State of Kentucky and to direct the transfer of any stock or their interest owned by the State of Kentucky in turnpike companies or toll roads to any county that may purchase or condemn said roads and operate same as free roads.

Said bill read as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county or counties, through which a toll road is operated in the State of Kentucky, in which the State of Kentucky has any ownership in stock or otherwise, and which is bought or condemned, by any county or counties, through which same may run and which is bought or condemned for the purpose of making same a free road,

the interest of the State of Kentucky, in said toll road, whenever the price on same is fixed by purchase or condemnation shall be transferred to the county or counties purchasing or condemning same, and to the extent of the interest of the State of Kentucky, in said toll road, shall be a credit on the fixed price of same.

§ 2. The amount so appropriated by the State of Kentucky, in said toll road or roads, shall remain and continue for the benefit of the county or counties using same, so long as the road purchased or condemned, shall be maintained in good condition, as a free turnpike, by the county or counties purchasing or condemning same, but should same be abandoned or allowed to fall in bad repair, said amount shall be returned to the State of Kentucky by the county or counties receving same and as such will be a fixed charge against said county or counties, to be returned upon demand of the State Auditor, who shall decide whether the terms of this act have been complied with.

§ 3. Wherever such toll roads runs through two or more counties, the value in each county, shall be apportioned to each county by a Board of Commissioners, one appointed by the County Judge, in each county through which the road runs, and one appointed by the Auditor of the State of Kentucky, and said Board shall apportion the value to each county which shall be held subject to the call of each county, under the terms of this act. The findings of said Board shall be final.

§ 4. Full power and authority is conferred upon any county in the State to condemn any road now used as a toll road, in which the State of Kentucky has any ownership, by stock, or otherwise, said condemnation to be had under the provisions of the law authorizing the condemnation of lands, for the use of roads in this State.

§ 5. This act shall take effect from and after its passage.

Mr. C. B. Thompson offered the following amendment to said bill, viz.:

Strike out Section 5.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	W. L. Craig	W. E. King
P. L. Atherton	G. L. Drury	M. C. Kirk
George Baker	Ben F. Egleston	Charles H. Knight
J. M. Bean	J. H. Elder	William J. Kuh
Eli Berry	S. Walton Forgy	James A. Leach
E. Bishop	D. Clarence Gray	F. A. Lochry
H. C. Blades	T. J. Gregory	B. J. Matthews
John F. Brewer	Joe Hall	Emanuel Meyer
Wallace Brown	Elwood Hamilton	Harry J. Meyers
Hiram Brown	V. D. Hammond	S. F. Middleton
C. W. Burton	L. B. Herrington	Charles D. McCrea
George P. Chinn	A. B. Hatton	W. N. McCubbin
Henry Chunn	John W. Holland	Ben E. Niles
Sidney G. Clay	Green R. Keller	Luther C. Owings

A. W. Palmer	S. L. Robertson	John G. Stoll
J. R. Paxton	S. H. Rogers	C. B. Thompson
William A. Perry	Robt. H. Scott	D. B. Thurman
Marion F. Pogue	W. A. Shawler	E. B. Wiley
John A. Polin	Walter S. Sinclair	J. H. Williams
W. A. Price	W. Scott Smith	B. S. Wilson
Stanley F. Reed	Adam Spahn	Charles Yancy

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Those who voted in the negative were—

John F. Fryer —1

Resolved that the title thereof be as aforesaid.

Mr. C. B. Thompson moved that the vote by which said bill was passed be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 53. An act to appropriate money for acquistion of additional lands for the benefit of the Kentucky State Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal Government for the purpose of establishing a Fish Hatchery.

H. B. 76. An act establishing and governing a Geological Survey of Kentucky and removing the present Survey and Museum from Lexington to Frankfort, Kentucky.

H. B. 119. An act providing for the supplying of records of County Surveyors' offices when same have been destroyed.

H. B. 131. An act definging the duties of the County Surveyor in counties containing more than 200,000 population and to provide compensation for them.

S. Res. 22. Resolution to appropriate money for the payment of expenses of the joint committee on Charitable Institutions.

S. B. 135. An act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

Whereupon all other business was suspend, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

And then the House recessed until three o'clock.

AFTERNOON SESSION.

At three o'clock the House reconvened.

Mr. Wallace Brown of the Committee on Rules called up for consideration from the Clerk's desk a resolution entitled,

H. Res. 20. Resolution for the benefit of S. J. Gish, of Central City, Kentucky, refunding to him the sum of eleven hundred and forty three dollars and forty cents collected from him by the State of Kentucky as back taxes.

Said resolution reads as follows, viz.:

Resolution for the benefit of S. J. Gish, of Central City, Kentucky, refunding to him the sum of eleven hundred and forty three dollars and forty cents ($1,143.40), collected from him for the State of Kentucky as back taxes.

Whereas, during the present month of February, 1912, the State of Kentucky, through a proceedings through the Sheriff of Muhlenburg County, Kentucky, is about to collect from S. J. Gish in the way of back taxes on a certain title bond held by him against the R. Morgan Coal Company and L. T. Dickason, the sum of Eleven Hundred and Forty-three Dollars and Forty Cents ($1,143.40), for back taxes alleged to be due by said Gish on said title bond for the years 1905 and 1906, and whereas it appears that the valuation of said property for the purposes of assessment for taxation was put before the Board of Supervisors of Muhlenburg County, for each of said years, 1905 and 1906; and whereas same was assessed at a much smaller value than afterwards was assessed against him through proceedings in the courts; and whereas said Board of Supervisors, through oversight failed to make a record of their assessment, and whereas said Gish did also for said years, 1905 and 1906 pay to said State of Kentucky taxes on the land represented in the title bond, and whereas, therefore, it would be a hardship on him to require him to pay said taxes, Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky: First:

§ 1. That there be and there is hereby appropriated to said Gish out of the General fund of the Commonwealth of Kentucky the said sum of $1,143.40, and the Auditor of Public Accounts be and is hereby directed to draw his warrant on the Treasurer of the State of Kentucky, for said sum of Eleven Hundred and Forty-three Dollars and Forty Cents ($1,143.40), the same to be reimbursed in full to the said Gish for said amount of taxes about to be collected from him, as aforesaid, by said State of Kentucky.

§ 2. Whereas the money above appropriated for the benefit of said Gish will be collected by the Sheriff of the sale of the said Gish's property and will be injustice to said Gish, Now an emergency is decided to exist and this act shall therefore take effect upon its passage and approval.

Said resolution was read and adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	Charles H. Knight
P. L. Atherton	J. H. Elder	William J. Kuh
George Baker	John F. Fryer	James A. Leach
J. M. Bean	Allie T. Gaines	F. A. Lochry
Eli Berry	D. Clarence Gray	Hugh Mahin
Thos. M. Bertram	T. J. Gregory	B. J. Matthews
John F. Brewer	Joe Hall	Emanuel Meyer
Hiram Brown	Elwood Hamilton	Harry J. Meyers
C. W. Burton	V. D. Hammond	Charles D. McCrea
G. E. Carroll	A. B. Hatton	W. N. McCubbin
Henry Chunn	L. B. Herrington	C. B. Nichols
Sidney G. Clay	A. B. Holland	A. W. Palmer
Sidney J. Collins	Earl C. Huntsman	W. F. Parker
W. L. Craig	W. J. Jackson	J. R. Paxton
Elkanah Dickey	M. C. Kirk	William A. Perry

W. A. Price	W. Scott Smith	Louis B. Tieman
S. L. Robertson	Adam Spahn	Yeaman Watkins
Robt. H. Scott	John G. Stoll	E. B. Wiley
W. A. Shawler	E. B. Thompson	J. H. Williams
Walter S. Sinclair	D. B. Thurman	B. S. Wilson

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The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 220. An act to repeal Subsection 5 of Section 1403 Kentucky Statutes and substitute therefor which Act relates to the personal property set aside to widow or infants of an intestate.

With an amendment thereto proposed by the Committee on Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 5 of Section 1403 of John D. Carroll's Edition of Kentucky Statutes for the year 1909 be and the same is hereby repealed, and that there be enacted in lieu thereof the following, so that Subsection 5 shall read as follows:

Personal property or money on hand or in bank to the amount of $500 shall be exempt from distribution and sale and shall be set apart by the approisers of the estate of an intestate to his widow and children, or, if no widow, to his infant children or child surviving him. The appraisers shall state in their appraisement the money or the articles and value of each set apart by them to the widow, or infants,

separately to the articles appraised for sale, but if the widow be present at the time of the appraisement, or any one authorized by her in writing, she may make her selection out of the property appraised to the amount of said $500 and said appraisers shall so report. The provisions of this section shall apply to cases where the husband dies testate, and the widow renounces the provisions of the will in the time prescribed by law.

The amendment as proposed by the Committee is as follows:

Amend by striking out $500 wherever it appears and inserting in lieu thereof $750.

Said amendment was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its tite and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	E. Bishop	Henry Chunn
P. L. Atherton	H. C. Blades	W. Frank Cole
George Baker	John F. Brewer	Sidney J. Collins
J. M. Bean	Hiram Brown	W. L. Craig
Eli Berry	Wallace Brown	Elkanah Dickey
A. V. Bertram	C. W. Burton	G. L. Drury
Thos. M. Bertram	G. E. Carroll	Ben F. Egleston

J. H. Elder	James A. Leach	John A. Polin
Allie T. Gaines	F. A. Lochry	W. A. Price
D. Clarence Gray	Hugh Mahin	S. H. Rogers
T. J. Gregory	B. J. Matthews	Robt. H. Scott
Joe Hall	Emanuel Meyer	W. A. Shawler
Elwood Hamilton	Harry J. Meyers	Walter S. Sinclair
V. D. Hammond	S. F. Middleton	W. Scott Smith
A. B. Hatton	R. C. McClure	Adam Spahn
A. B. Holland	Charles D. McCrea	John G. Stoll
John W. Holland	W. N. McCubbin	C. B. Thompson
James R. Howell	C. B. Nichols	D. B. Thurman
Earl C. Huntsman	Luther C. Owings	Louis B. Tieman
John G. Kelley	A. W. Palmer	Yeaman Watkins
W. E. King	W. F. Parker	E. B. Wiley
M. C. Kirk	J. R. Paxton	J. H. Williams
Charles H. Knight	William A. Perry	B. S. Wilson
William J. Kuh	Marion F. Pogue	Charles Yancy

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Those who voted in the negative were—

John F. Fryer W. J. Jackson —2

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 5. An act to provide for the free distribution of necessary school books to the pupils of the public schools of this Commonwealth to regulate same to punish persons violating the provisions thereof.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be appropriated and set apart each year hereafter, beginning July 1, 1912, and annually thereafter, the sum of three hundred and fifty thousand ($350,000) dollars, to be expended as hereinafter provided for the purpose of supplying and furnishing to the pupils of the common schools of this State all necessary school books to be used by them in the pursuit of their studies of the common school curriculum now, or hereafter required to be taught in this State.

§ 2. The State Board of Education shall, as soon as practicable after this law becomes effective, and on or before the first day of June of each year thereafter, furnish to the County Superintendent of each county in this State, the necessary blanks therefor and call upon him for estimates of all school books which will be required to supplement the books available in his respective county, for the school year beginning the first day of July next ensuing. The County Superintendent shall thereupon within 15 days from date the said blanks and call are received carefully prepare said estimate and for that purpose may require the County Board of Education to assemble as often as necessary; and the County Superintendent shall at any time furnish to the State Board of Education any and all information which they shall require to enable them to intelligently supply the books provided for by this act, so far as same shall relate to his county.

§ 3. The State Board of Education shall, as soon as practicable after this act has become effective, and each year thereafter separately, make provisions for purchase and distribution of, and purchase and distribute all necessary school books relating to the subjects required by the law to be taught in the public schools of this Commonwealth under any contract now in force between the Commonwealth of Kentucky or any of its agents and any contractor, publisher

or publishers or any such contract as may hereafter be entered into to supply the estimates provided for in section two and such special requisitions as may be reasonably expected from time to time, and said State Board of Education shall cause said books to be delivered carriage prepaid to the County Superintendent of schools at the county seat of each county where any such county or comon school district therein are legally entitled to any such books, and the proper estimate or requisition therefor has been made to the State Board of Education; and for the purpose of securing said books and distributing the same the State Board of Education may, with the approval of the Governor, adopt any rule or regulation which will facilitate carrying the provisions of this act into effect and causing its benefits to be conveniently obtained.

§ 4. The State Board of Education shall not purchase any school books for any year in advance, and shall not receive any of same from any contractor, publisher or dealer until after June first of the calendar year in which the common schools of the State are to begin, and shall only purchase and receive such as are reasonably necessary to supply the estimates from the various counties as herein provided, and such special requisitions as may be reasonably anticipated from the various counties from time to time during the school year.

§ 5. The State Board of Education shall annually, not later than the 31th day of December report to the Governor in writing showing in detail the various estimates and requisitions furnished to and made upon it from the various counties of the State for school books under this act, and it shall set out separately in said report the number of each kind of books called for by and furnished to each county in this State, and in addition thereto it shall set out the num-

ber of each of the various kinds of books purchased by it under this act from contractors and publishers with prices and amounts thereof and upon examination and approval of same in writing by the Governor, which approval the Governor shall not withhold if same is legal and correct, the Superintendent of Public Instruction shall lay a certified copy of said report containing the Governor's approval thereof before the Auditor who shall issue his warrant therefor in favor of the contractor or contractors, publisher or publishers, for the amounts due each as shown by said report.

§ 6. In each instance where school books are consigned to the County Superintendent, the State Board of Education shall forward to the County Superintendent of the county to which said consignment is made, an itemized invoice in duplicate of the books consigned and upon receipt of each consignment, the County Superintendent shall carefully check said invoice, and if correct receipt same in duplicate, or if in error, note full particulars of said error in duplicate on said invoice and return one of same to the office of the Superintendent of Public Instruction and the other shall be retained and filed in his office as County Superintendent. Said books shall then immediately, so far as requisition has been made, be distributed to the various teachers of the county according to the approved demands contained in their respective requisitions on file with the County Board of Education.

§ 7. It shall be the duty of the County Board of Education of each county to come together at the office of the County Superintendent on each of the four succeeding Saturdays, next after the tenth day of July, in each year after this act takes effect, and at such other times as the chairman may by written notice call them to meet, at which times shall they inspect and approve so far as correct, by written endorsement

thereon, the written requisitions made by the various teachers of the county, and the special orders granted by the County Superintendent for school books for the various schools of the county under the provisions of this act.

§ 8. All expenses in receiving school books from any carrier after same has been delivered, charges prepaid, at the county seat; and all expenses incurred in the necessary distribution of said books, or any of same any time to the various districts to which they are distributed, shall be certified to the County Board of Education of the county receiving said books by the County Superintendent, and allowed and paid as other claims are allowed and paid, but the County Board of Education shall allow only such claims therefor as are correct and reasonable and for that purpose may hear proof as to the same.

§ 9. It shall be the duty of the County Board of Education to equip the office of the County Superintendent and each schoolhouse in their respective counties with a substantial and safe compartment capable of being securely locked for deposit and preservation of any such books as may be on hand from time to time.

§ 10. The County Board of Education may make provision by the entry of a proper order in each case for the relief of any pupil child where there may be such in the county who is without any of the necessary books covering any subject in the common school curriculum of this State; provided, however, that where any such order is made for the relief of any child who has failed of enrollment in school by reason of the violation of any of the provisions of this act, said order shall so specify and set out the name of the parent or person in loco parentis by reason of whose default said child may have failed of enrollment as required by this

act, and a copy of said order shall be filed with the County Attorney who shall institute prosecution thereupon immediately before the County Judge or any Justice of the Peace or Police Judge in the county having jurisdiction of the charge.

§ 11. The county Superintendent shall have general supervision over the distribution and care of the school books at all times in his county, and the County Board of Education shall, from time to time, adopt such written rules and spread the same of record as may be reasonable and effective for the purpose of preserving the books and requiring the same to be accounted for by the various teachers and subdistrict trustee of the county, and the failure of any teacher or subdistrict trustee to comply with any of said rules after same have been in force for at least 30 days shall be cause for his removal from the school or dismissal from his office as the case may be, provided such rules shall be general in their nature and reasonable in their requirements; and from the decision of the County Superintendent in removing any subdistrict trustee or dismissing any teacher an appeal shall lie to the Superintendent of Public Instruction of the State.

§ 12. The County Superintendent shall charge to each teacher all books delivered to him for the school under his charge and at the close of the term of school and before said teacher shall receive the last monthly payment due him or her, he shall produce to the County Superintendent as part of his final report the written receipt of the Trustee of the subdistrict showing the number and kind of books in the possession of said district and that same have ben deposited safely in the compartment provided therefor in the schoolhouse of said district where the same have been securely locked up and the key or keys thereto delivered to the

Trustee in person, who shall keep said books safely and carefully.

§ 13. It shall be the duty of the County Superintendent upon receiving the written report of any teacher required by section seventeen of this act to lay said report, or a copy thereof, before the County Judge of the county, or any magistrate of the county, who shall notify the County Attorney and they shall immediately inquire into the same and issue his warrant for the arrest of any person who it may appear has violated any of the provisions of section fourteen, fifteen or sixteen of this act and cause each and every such person to be immediately tried therefor.

§ 14. It shall be the duty of each parent and person in loco parentis of any child who is required to attend school under the compulsory school law of the State, to cause such child to personally appear at the schoolhouse of the school district where said child ought to be enrolled within the first six days of each term of school taught therein, and within school hours to apply to the teacher in charge thereof to be enrolled and classified and give to such teacher full information for that purpose.

§ 15. If the parent or person in loco parentis of any child, as contemplated by section fourteen of this act, shall wilfully or negligently fail to comply with the provisions thereof he shall be deemed guilty of a misdemeanor and punished by fine of not less than $5.00 nor more than $30.00, to be recovered by warrant or indictment; and such child of any parent or person in loco parentis failing of enrollment by reason of such omission shall receive no benefit under this act except upon the especially granted order of the County Superintendent entered of record in his office showing good reason why said child was not caused to be enrolled at the time and place designated in section three of this act.

§ 16. If any parent or person in loco parentis shall fail to have any such child under his or her care enrolled as provided in section fourteen, then such parent or person in loco parentis shall within ten days cause said child to appear at said school to be enrolled and furnish to said child the adopted text book on each each subject which the law requires it to be taught in the grade to which it belongs, together with the necessary supplies to enable it to pursue his or her studies advantageously in said school; and any failure of any person to comply with the provisions hereof shall subject him or them to a fine of not less than $10.00 nor more than $50.00 recoverable by warrant or indictment.

§ 17. It shall be the duty of the teacher of any common school of this State at the end of the sixth day of each term of school to report in writing to the County Superintendent of the county, the name of each and every child between seven and fourteen years of age, in his respective district known to him with their sex and age, together with the residence and names of their parents or persons in loco parentis, of each of them in a detailed statement where any such child has not been enrolled as required by section fourteen hereof; and said report shall be signed by the teacher and filed in the office of the County Superintendent not later than the tenth day of the term of school then being taught, and each teacher shall, at the end of the sixteenth day of each term of the school in his charge, make a further written report to the County Superintendent in which he shall in detail report in writing the names of any such children with their age, sex and the names of their parents or persons in loco parentis, who have been enrolled between the sixth day of the school term and up to and including the sixteenth day thereof and also he shall carefully state in his said report whether any such children as have been so enrolled are without any of the books covering the subjects which the law re-

quires to be taught in the grade to which he or she belongs, and if so, what books are necessary to equip said child to pursue its studies as the law requires. Said report shall also contain the names, age and sex of any such pupil children in said district together with the names and residence of their parents or person in loco parentis, which have come to the knowledge of the teacher since the filing of his report required by this section, and whose names are not therein reported. Said report shall be signed and sworn to by the teacher and shall be sufficient evidence to authorize the County Judge or any magistrate of the county, to issue his warrant thereupon for the arrest of any person violating any of the provisions of this act to which said report relates without further investigation. Said second report shall be filed by the teacher in the office of the County Superintendent not more than twenty days after the commencement of the school in his or her charge.

§ 18. It shall be the duty of each teacher engaged in a common school to carefully interrogate each pupil enrolled in his school and to ascertain from him or her, and his or her parent or other person, the number and kind of books which any such pupil had at the time of his or her enrollment or which he or she had at any time since this act became effective; and any pupil which has any suitable books or has had any suitable books relating to the studies required to be taught in the common schools and of the grade to which such child is or may be classified during the term shall receive during the term no book of such grade or kind except writing books, unless it shall appear from the affidavit of some competent person that said book or books have been destroyed by casualty, or misfortune, the details whereof shall be set out therein, and said affidavit shall be filed with the County Superintendent who may make appropriate orders with regard thereto for the relief of such child. The teacher hav-

ing charge of such school, in addition to the facts which he is required by the preceding sections of this act to report to the County Superintendent from time to time, and as a part of each of said reports shall state therein in detail what books, if any, each child enrolled by him has or has had since this act became effective and the dispostion of same, if then not in possession of said child.

§ 19. It shall be the duty of the teacher engaged to teach in any common school of this State, after this law shall take effect, upon the organization of the classes under his or her care to diligently investigate and carefully ascertain the needs as contemplated by this act of each pupil child enrolled in said school, and not later than the tenth day of the school to file in the office of the County Superintendent of the county a written, detailed requisition signed and sworn to by such teacher, specifying and designating separately the actually necessary text books and writing materials required for each of said enrolled pupil children, with the name, age and sex of each together with the names and residence of the parents of each child in said requisition mentioned, and whether said parents be living or dead, and with whom said child resides, where any such child resides with a person other than his or her parent.

§ 20. The teacher of each common school district shall from time to time as the children in such district arrive within the school age or take up their residence in said district, or for any other cause shall become enrolled during the term of the school, report to the County Superintendent in writing the facts regarding the enrollment of each such children with such recommendations as to the necessary books to enable it to pursue its studies, giving in each report the name, age and sex of each child, and the grade to which it belongs, so enrolled, together with the name of its parents or the per-

son in loco parentis, and said report shall be filed not more than one week after any such child is enrolled.

§ 21. Not more than one book of the same grade and text, save writing books, shall be furnished to the same child or any one for his or her use in the same term of school, except in cases where a pupil child, who has been furnished books in one district of this Commonwealth, shall remove during the term of school to any other district of this Commonwealth and shall have surrendered and accounted to the teacher of the school in the former district for all books furnished to it as a pupil of said former school; nor shall any pupil child receive any book (except writing books), in lieu of any book which it may have had on hand or purchased at or since this act became effective where the same has been concealed, misplaced, mutilated or destroyed by any fault or oversight of such child or its parents or person in loco parentis.

§ 22. It shall be the duty of every parent or person in loco parentis to cause each child under his care to produce to the teacher of the school in which he is enrolled all school books which said parent, person in loco parentis, or child has of the grade to which said child belongs or may be promoted or reduced during the term. If any parent or person in loco parentis having any child within the school age who has the possession or use of any book of the character adopted to be used in the school of this Commonwealth shall conceal, misplace, destroy or mutilate same, or negligently permit same to be concealed, misplaced, destroyed or mutilated so that same is not produced to the teacher of the school in which said child is enrolled at the time of its enrollment or within a reasonable time thereafter, such parent or person in loco parentis shall be deemed guilty of a misdemeanor and on conviction therefor under warrant or indictment be

fined not less than $5.00 nor more than $25.00 for each book so concealed, misplaced, destroyed or mutilated.

§ 23. Each teacher shall, before beginning to teach in any school which he or she has employed to teach, execute bond to the Commonwealth of Kentucky in the sum of one hundred dollars, with one or more good and solvent sureties, conditioned for the faithful and diligent care of all school books and other property of the Commonwealth which shall come into his possession or under his care during the life of his employment, and no teacher shall begin to teach, or receive any pay for teaching in any school till said bond has been executed before the County Superintendent and approved by him and filed in his office.

§ 24. At the beginning of the common school in each district in this Commonwealth in the year 1913, and each year thereafter, the Trustee of his respective sub-school district shall invoice the books on hand and belonging to the Commonwealth in said district and take from the teacher having charge of said school said teachers itemized receipt showing the number thereof which were on hand on the first day of said term of school; and file same with the County Superintendent and thereafter and during the continuance of said term of school the teacher shall be responsible and liable on his bond for any and all books which shall be negligently misplaced, lost, mutilated or destroyed and so far as any of same shall not be satisfactorily accounted for in the teachers' final report aforesaid, the County Superintendent shall withhold from the last month's salary due said teacher an amount of money sufficient to cover the cost of said books and if same be insufficient shall cause suit to be instituted immediately upon the teachers bond to indemnify the Commonwealth to the full extent of the loss.

§ 25. All surplus books in the hands of the State shall be carefully kept and preserved by the State Superintendent of Public Instruction who shall be liable to account for the value of same under his official bond.

§ 26. All undisturbed books in the hands of the County Superintendent shall be carefully preserved in his office and his bond shall be liable for same so far as he shall fail to account therefor.

§ 27. The Superintendent of Public Instruction may require the County Superintendent of any county in this Commonwealth to report in writing to him not exceeding twice in any one school year, giving an inventory in detail of all books on hand in the County Superintendent's office or in the possession or under the care of any or all teachers or subdistrict trustee in his county, and said detailed inventory shall be signed and verified by the County Superintendent and filed in the office of the Superintendent of Public Instruction within thirty days after the demand therefor has been received by the County Superintendent.

§ 28. The County Superintendent of any county may at any time by written notice require any teacher or subdistrict trustee to furnish him an accurate itemized report of the school books actually in his charge, with details as to the condition of same and may require such teacher or subdistrict trustee to answer any and all questions in writing as to what provision has been made in his district for the care of the books belonging to the Commonwealth therein; and as to how the same are being cared for and as to whether same are being as the law requires and any other information necessary in the opinion of the County Superintendent to the effective care and preservation of said books and the enforcement of the legal use of same as contemplated by this act. When any such report is required of any teacher or trustee

he shall make the same in writing and shall fully and truly answer each and every question contained therein and give all information therein demanded in a full and complete manner and shall sign and swear to the same and file the same with the County Superintendent in his office within ten days after such teacher or trustee shall have received the County Superintendent's demand therefor.

§ 29. The County Superintendent of any county may from time to time as the needs of the schools under his jurisdiction may demand, not later than December first of any school year, make special requisition upon the State Board of Education for any such school books as are necessary in his county for immediate use; and the State Board of Education shall through Superintendent of Public Instruction consign the necessary books to meet said requisitions, provided that the Superintendent of Public Instruction shall not fail to make consignments for a longer time than once a month during the school term of each county where any requisition is made under the provisions of this section and filed with him during said month.

§ 30. The expenses of receiving and consigning school books undeo this act, which may be incurred by the State Board of Education shall be paid out of the appropriation provided for by this act at such times and in such amounts as the same may be certified in detailed account by the chairman and secretary of the State Board of Education over their signature to the Auditor, who shall when any such expense account is laid before him, and he is satisfied with the correctness thereof, draw his warrant upon the Treasurer for the amount thereof in favor of such person, firm, corporation or association as may be entitled thereto as shown by said certified account.

§ 31. The term "common schools," as used in this act, shall include graded common schools.

§ 32. All books purchased and distributed under the authority of this act may, by stipulation of the Superintendent of Public Instruction, contain the printed words "property of the State of Kentucky," at such places therein and thereon not exceeding three separate places on each book.

§ 33. If any teacher or trustee of any subdistrict shall in any event fail to diligently and properly care for any book or books as provided by this act whereby any of same may become lost, mutilated or destroyed, for as long as ten days after same is due, to execute and file any report, receipt, statement, requisition, communication, affidavit, or other document required of him by the terms of this act; or any County Superintendent, or member of the County Board of Education, shall fail diligently and promptly, and within the time required by law, to meet at any of the places or for the purposes as this act requires; or shall fail to perform any of the duties required of them at any such meeting in a diligent, faithful and careful manner; or shall fail to make, sign, execute, record, file or preserve any estimate, notice, invoice, requisition, affidivat, order or other document, as required by this act; or shall fail in any event to lay before any officer any copy of any report, order or other document which this act provides shall be laid before him, looking to the prosecution of any offender under this law, then such teacher, trustee, County Superintendent or member of the County Board of Education so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $50.00 for each offense to be recovered by warrant or indictment.

§ 34. It shall be the duty of the County Superintendent five days before each term of the Circuit Court in his county, in any event where the name of any person violating any of the provisions of this act has been reported to the County Judge, any magistrate of the county or County Attorney thereof, and no prosecution has been attempted nor any warrant issued or arrest made thereunder in such case, to file with the Circuit Clerk of the county the names of all such persons so reported as offenders under this law, specifying the officer to whom same was reported and it shall be the duty of the Circuit Clerk to refer said report to the grand jury at said term of the Circuit Court. The grand jury shall give such report and each of them special attention and investigation and it shall be their duty to indict any person who has violated the provisions hereof whether said offender's name is contained in said report or not. And if it shall appear that the County Judge, any magistrate of the county or the County Attorney has wilfully or negligently failed to perform any duty enjoined upon him or them by the provisions hereof looking to the prosecution of offenders under this law, it shall be the duty of the grand jury to return an indictment against the officer and each of them so offending and upon conviction thereof said County Judge or magistrate of the county or County Attorney shall be fined in any sum not less than $25.00 nor more than $50.00 for his delinquency in each case so to act.

§ 35. If any officer or teacher of whom any statement, report or affidavit which this act requires him to be sworn to shall make any false statement in any such statement, report or affidavit, he shall be deemed guilty of false swearing, and upon conviction shall be subjected to the penalty therefor.

§ 36. After the payment of all expenses and fees, as now allowed by law, the remainder of any fine which may be inflicted and recovered under the provision of this act shall be covered into the Treasury of this Commonwealth and be credited to and as a part of the free school book fund of the State, to be expended in the purchase of school books for distribution under the provisions of this act.

§ 37. Appropriate blanks required for the use of the State Board of Education, Superintendent of Public Instruction, County Boards of Education, County Superintendents, teachers and subdistrict trustees and all of them shall be provided by the public printer of the State on the requisition of the Superintendent of Public Instruction to be made from time to time as same are necessary and shall be furnished to the County Superintendent of each county in quantities of such kinds as are necessary for the use in such county from time to time.

§ 38. If after paying all demands contracted against the same, there shall remain any balance to the credit of any annual fund appropriated by this act on January the first of any school year, then such balance shall be turned back to Treasury for the use and benefit of the Commonwealth.

§ 39. All acts and parts of acts in conflict with this act or any part thereof is hereby expressly repealed.

Mr. Atherton offered the following amendment to said bill:

Amend Section 1 by striking out in line 3 the words "three hundred and fifty thousand dollars" and in sert in lieu thereof the words "two hundred thousand dollars."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Sidney J. Collins	John A. Polin
Eugene G. Asher	John F. Fryer	W. Scott Smith
P. L. Atherton	Earl C. Huntsman	John G. Stoll
George Baker	M. C. Kirk	E. B. Thompson
John F. Brewer	B. J. Matthews	Louis B. Tieman
Hiram Brown	R. C. McClure	Yeaman Watkins
Wm. L. Bowling	Charles D. McCrea	J. H. Williams
Sidney G. Clay	W. F. Parker	B. S. Wilson

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Those who voted in the negative were—

J. M. Bean	G. L. Drury	L. B. Herrington
Eli Berry	Ben F. Egleston	A. B. Holland
A. V. Bertram	J. H. Elder	John W. Holland
Thos. M. Bertram	John M. Farra	R. Dillard Hunter
E. Bishop	S. Walton Forgy	W. J. Jackson
H. C. Blades	Allie T. Gaines	John G. Kelley
Wallace Brown	D. Clarence Gray	W. E. King
C. W. Burton	T. J. Gregory	Charles H. Knight
G. E. Carroll	Joe Hall	William J. Kuh
George P. Chinn	Elwood Hamilton	James A. Leach
Henry Chunn	V. D. Hammond	F. A. Lochry
Elkanah Dickey	A. B. Hatton	Hugh Mahin

Emanuel Meyer	J. R. Paxton	W. A. Shawler
Harry J. Meyers	William A. Perry	Walter S. Sinclair
S. F. Middleton	Marion F. Pogue	Adam Spahn
W. N. McCubbin	Stanley F. Reed	C. B. Thompson
Ben E. Niles	S. L. Robertson	J. B. Thurman
L. B. Owen	S. H. Rogers	E. B. Wiley
A. W. Palmer	Robt. H. Scott	Charles Yancy

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And so said bill was rejected.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 191. An act to amend Section One and Section Seven of an act entitled an act creating and regulating the office of County Treasurer, session acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act which was approved February 27, 1893, and the amendment to said act which became a law March 26, 1904.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section Two of an act entitled, "An act creating and regulating the office of County Treasurer," Session Acts one thousand eight hundred and ninety-one, two and three, which became a law February twenty-seventh, one thousand eight hundred and ninety-three, and the amendment to said act which was approved February twenty-seventh, one thousand eight hundred and ninety-four, and the amendment to said act, which became a law March twenty-sixth, one thousand nine hundred and four without the approval of the Governor, and being Section nine hundred and twenty-nine of Article six of Chapter thirty-four of the

Kentucky Statutes, be and the same is amended by striking out the words "one thousand eight hundred and ninety-three," in the third line of said section, and inserting in lieu thereof, the words "one thousand nine hundred and thirteen," and by striking out the words "two years" in the fourth line of said section, and inserting in lieu thereof the words "four years," and by striking out the words "two years" in the nineteenth line of said section, and inserting in lieu thereof the words "four years," so that said section, when amended, shall read as follows:

"Said officer shall be appointed by the Fiscal Court of the county. Said appointment to be made on the first day of the regular April term one thousand nine hundred and thirteen, of said court held for the county, and on said day every four years thereafter, a majority of said court being present, and a majority of all the members of said court shall be necessary to appoint; if, for any cause, said appointment is not made on that day, it shall be the duty of the county judge to call the members of said court together for that purpose, on a day to be fixed by order entered of record on the order book of the court, not exceeding two weeks thereafter. If, however, the regular term of court has expired on the day fixed, the county judge shall hold a special term of the Fiscal Court for the appointment of said treasurer. Copies of the order shall be delivered by the county clerk to the sheriff, who shall serve the same on each member of the court. No person shall be appointed County Treasurer unless, at the time of his appointment, he is citizen of Kentucky, has attained the age of twenty-five years, and has been for four years next preceding his appointment a resident of the county for which he is chosen. But no member of the Fiscal Court shall be appointed County Treasurer. He shall hold his office for the term of four years from the first day of the regular April term of the Fiscal Court at which he is

appointed, and until his successor is appointed and qualified. Before entering upon his duties as such treasurer, he shall take the oath of office prescribed by Section 228 of the Constitution, before the Fiscal Court, and execute the bond hereinafter required to be executed by him. The Fiscal Court may remove said officer from office at any time for cause. In case of a vacancy in said office, from any cause whatever, it shall be the duty of the county judge to call the members of the Fiscal Court together, and hold a special term thereof to fill the vacancy. In case of a failure or refusal of the county judge to perform any of the duties herein required of him, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars, and on said failure or refusal of the county judge, any three of the members of said court may convene the court, elect one of their body to preside, and appoint a treasurer in the manner herein provided."

§ 2. That Section seven of an act entitled "An act creating and regulating the office of County Treasurer," Session Acts, one thousand eight hundred and ninety-two, two and three, which became a law February twenty-seventh, one thousand eight hundred and ninety-three, and the amendment to said act, which was approved February twenty-seventh, one thousand eight hundred and ninety-four, and the amendment thereto, which became a law without the approval of the Governor March twenty-sixth, one thousand nine hundred and four, being Section nine hundred and thirty-four of Article six of Chapter thirty-four of the Kentucky Statutes, be and the same is amended by striking out all of the words of said section after the words "Provided, however," in the third line thereof and inserting in lieu thereof the following words: "That in counties containing a population of two hundred thousand or more the salary of the treasurer shall be thirty-six hundred dollars per annum, to

be allowed by the Fiscal Court," so that said section, when amended, shall read as follows:

"The treasurer shall receive for his services, as compensation, a salary not to exceed one thousand dollars per annum, to be fixed by the Fiscal Court. Provided, however, that in counties containing a population of two hundred thousand or more the salary of the treasurer shall be thirty-six hundred dollars per annum, to be allowed by the Fiscal Court."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
Eli Berry
C. W. Burton
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
A. B. Hatton
A. B. Holland
John W. Holland
Earl C. Huntsman
W. J. Jackson
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Emanuel Meyer
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings

W. F. Parker	S. H. Rogers	E. B. Thompson
J. R. Paxton	W. A. Shawler	Louis B. Tieman
William A. Perry	W. Scott Smith	Yeaman Watkins
Marion F. Pogue	Adam Spahn	B. S. Wilson
W. A. Price	John G. Stoll	Charles Yancy
S. L. Robertson	C. B. Thompson	—65

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 193. An act to amend an act entitled an act creating a State Board of Agriculture, Forestry and Immigration specifying the duties thereof and appropriating money therefor.

Together with sundry amendments proposed thereto by the Committee on Agriculture.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act entitled, "An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor," approved March 21, 1906, and being Sections 37 and 38, Kentucky Statutes, be amended by striking out the whole of said section and inserting in lieu thereof the following, so that the said section will read as follows:

That there will be, and is hereby created a State Board of Agriculture, which shall succeed to all the powers, rights, privileges and property of the present State Board of Agri-

culture, Forestry and Immigration, to consist of nine (9) members, namely, the Commissioner of Agriculture, Labor and Statistics, ex-officio chairman; the Director of the Kentucky Experiment Station, at Lexington, Kentucky, an ex-officio member and vice president, and one citizen from each of the Appellate Court districts in the State to be appointed and hold office as hereinafter provided; said members from the Appellate districts to be experienced and practiced farmers, and not more than four of the seven to belong to the same political party.

§ 2. That Section 3 of said act be amended by striking out all of said section and inserting in lieu thereof the following, so that said section will read as follows:

The State Board of Agriculture, Forestry and Immigration, as now constituted is hereby abolished. Upon the expiration of the term of office of the present Director of the Experiment Station, the Governor shall appoint his successor for a term of four years and shall reappoint him every four years thereafter. Provided, that should the Director of the Experiment Station resign or be removed from office, such fact shall terminate his membership on the State Board of Agriculture, and his successor as Director of the Experiment Station shall become his successor on said board. Upon the taking effect of this act the Governor shall appoint one member of the State Board of Agriculture from each of the Appellate districts of the State, as successor to the member of the present State Board of Agriculture, Forestry and Immigration from each district, and the persons so appointed shall hold office during the time for which the members of the present State Board of Agriculture, Forestry and Immigration, whom they succeed, were elected. Upon the expiration of the terms of office of the first members so appointed the Governor shall appoint their successors for a

term of four years. The Governor is authorized to and may remove any member of said board, except the Commissioner of Agriculture, Labor and Statistics, but he must state his reasons therefor in writing.

§ 3. That Section 4 of said act be amended by striking out the whole of said section and inserting in lieu thereof the following, so that said section will read as follows:

The members of the Board shall met at Frankfort at least once every two months, or at such other place as they may determine, to consider the general agriculture, horticultural, forestry and other industrial interests of the State, and to take the necessary steps for carrying out the provisions of this act. The Commissioner, as chairman of the board, may and at the request of five members shall call their meetings and the board shall have power to adjourn any meeting to such time and place as may be determined. Five members shall constitute a quorum for the transaction of business, but all expenditures of said board and every voucher shall stae for what purpose the money was paid.

§ 4. That Section 6 of said act be amended by striking out the words "as said Board may agree upon," and by adding after the word "vote" and before the word "said," the following words: "Said board shall determine the time and place for the holding of said institute," so that said section as amended will read as follows:

Said Commissioner shall cause to be held at Frankfort or some other convenient place, between the first day of January and the first day of March of each year, a State Industrial Institute for the farmers and other interested in the industrial development of the State, of at least three days' duration, at which only county delegates shall be en-

titled to vote, each county having one vote. Said board shall determine the time and place for the holding of said institute. Said Commissioner shall be furnished the name and postoffice address of each county delegate by the secretary of the county institute, and each delegate shall be notified of the time and place of holding the State Institute at least ten days before same shall convene.

§ 5. That Section 7 of said act shall be amended by striking out the whole of said section.

§ 6. That section 9 of said act be amended by striking out the whole of said section.

§ 7. That section 10 of said act be amended by striking out the word "two" and inserting in lieu thereof the word "five" so that said section as amended will read as follows:

Said Board shall act as an immigration committee, and shall collect information a sto wages paid for labor in the different sections of the State, and the kind of labor needed, and shall cause the same to be printed and distributed. It shall also ascertain the class of immigrants coming to this State, and shall collect statistics showing as nearly as possible the number of persons and their destination emigrating from the State, and the causes leading thereto. For the purposes specified in this section they may expend as much as five thousand dollars annually of the amount appropriated in this act, but it is not obligatory upon them to expend any portion of the appropriation, unless, in their judgment, it is necessary to do so in the furtherance of the welfare of the State.

§ 8. That Section 11 of said act be amended by striking out the word "three" and inserting in lieu thereof the word "five," so that said section as amended will read as follows:

The Commissioner of Agriculture, Labor and Statistics may appoint a clerk and stenographers of the Board, subject to the approval of said Board. The clerk shall be an able well qualified man for the place, and shall give his entire time to the service of the State. He may act as an Assistant Commissioner or as an instructor at the county institutes, but shall receive no additional pay therefor, except his actual expenses, or perform other duties assigned him by the Commissioner. The Commissioner shall collect each year a report of the work done by the State and County Institutes, or such part of the work as he may deem valuable information for the citizens. Twenty-five thousand copies of his institute report shall be published annually in book form and shall be distributed free as nearly as possible in proposition to the agricultural population of the several counties, and the board is hereby authorized to have same printed. The Board may expend as much as five thousand dollars per annum for salaries of clerks and stenographers, which sum or any part thereof shall be paid out of the appropriation made for the use of this Board.

§ 9. That Section 12 of said act be amended by striking out the word "thirty" and inserting in lieu thereof the words "one hundred" so that said section as amended will read as follows:

The members of this Board shall receive five dollars per day and actual traveling expenses while attending meetings of the Board but the total number of days the Board may be in session shall not exceed one hundred per year.

§ 10. That said act be amended by adding thereto an additional section as follows:

Said Board shall have power, with the consent and approval of the Governor, to sell and convey any land now owned by the State Board of Agriculture, Forestry and Immigration, which was purchased for the purpose of securing adequate railroad facilities for the Kentucky State Fair and which is not now necessary for the purposes of said Fair.

§ 11. That said act be amended by added thereto an additional section as follows:

That in addition to all sums heretofore appropriated for the use and benefit of the State Board of Agriculture, Forestry and Immigration, the sum of ten thousand ($10,000) dollars annually, be and is hereby appropriated to the State Board of Agriculture out of any money in the State Treasury not otherwise appropriated. Said money shall be paid out in the same manner as other funds appropriated for said Board.

§ 12. Inasmuch as a State Institute must be held prior to March 1, 1912, and much confusion in the adminstration of the business of this department of the State Government would result if this act did not go into effect immediately upon its passage, an emergency exists and is hereby declared and this act shall take effect from and after its passage.

Said amendments as proposed by said Committee are as follows:

Amend as follows, viz.:

1. In lieu of Section 2 the following be inserted:

That Section of said act be amended by striking out all of said section and inserting in lieu thereof, the following, so that said section will read as follows: The State

Board of Agriculture, Forestry and Immigration, as now constiuted, is hereby abolished, and the term of each member of said Board shall expire on the day this act takes effect and becomes a law. The Governor shall appoint, upon the taking effect of this act, first, the Director of the Experiment Station of the State University, Lexington, Kentucky, for the term of four years, as a member of said State Board of Agriculture and said Director shall be appointed every four years thereafter, provided that should the Director of the Experiment Station resign the directorship of said Experiment Station or be succeeded by another in the office of the directorship of said Experiment Station, then said fact shall terminate his membership in the State Board of Agriculture, and his successor as Director of said Experiment Station shall become his successor in the State Board of Agriculture; second, one member of the State Board of Agriculture from each of the appellate districts of the State as successors to the member of the present Board of Agriculture, Forestry and Immigration from each district, and the persons so appointed shall hold office during the time for which the members of the present State Board of Agriculture, Forestry and Immigration, whom they succeed, were elected. Upon the expiration of the terms of office of the members so apponited, the Governor shall appoint their successors for a term of four years. The Governor may remove any member of said Board, but he must state his reasons therefor in writing.

The Board of Agriucuture, when appointed and qualified, shall be a body corporate under the corporation name of the State Board of Agriculture, and as a corporation shall have the power to sue and be sued, to plead and be impleaded, to contract and be contracted with, and possess all the immunities, rights, privileges and franchise usually attaching to corporate bodies.

2. In Section 3 fourth line from bottom, substitute "its" for "theirs," and add on last line after "business" the following: "and may call the Board together for the transaction of business, in case of the refusal of the chairman, upon the request of five members, to call it."

3. That Section 7 be stricken out.

4. That Section 8 be stricken out.

5. That Section 9 in line two after the word "words" that the words "one hundred" be stricken out and the words "seventy-five" be inserted in lieu thereof.

6. That Section 11 be stricken out.

Said amendments were adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	A. V. Bertram	Wallace Brown
Eugene G. Asher	Thos. M. Bertram	C. W. Burton
P. L. Atherton	E. Bishop	George P. Chinn
George Baker	H. C. Blades	Sidney G. Clay
J. M. Bean	John F. Brewer	Sidney J. Collins
Eli Berry	Hiram Brown	W. L. Craig

Elkanah Dickey	Charles H. Knight	John A. Polin
G. L. Drury	William J. Kuh	Stanley F. Reed
Ben F. Egleston	James A. Leach	Robt. H. Scott
J. H. Elder	F. A. Lochry	W. A. Shawler
John M. Farra	Hugh Mahin	W. Scott Smith
S. Walton Forgy	B. J. Matthews	Adam Spahn
John F. Fryer	Harry J. Meyers	John G. Stoll
D. Clarence Gray	S. F. Middleton	C. B. Thompson
T. J. Gregory	Charles D. McCrea	D. B. Thurman
Joe Hall	W. N. McCubbin	Louis B. Tieman
Elwood Hamilton	C. B. Nichols	E. B. Wiley
V. D. Hammond	Luther C. Owings	J. H. Williams
A. B. Hatton	A. W. Palmer	B. S. Wilson
R. Dillard Hunter	W. F. Parker	Charles Yancy
John G. Kelley	J. R. Paxton	
M. C. Kirk	William A. Perry	—64

Those who voted in the negative were—

G. E. Carroll	Walter S. Sinclair	
Henry Chunn	Yeaman Watkins	—4

Resolved that the title thereof be as aforesaid.

By unanimous consent,

Mr. Atherton of the Committee on Municipalities reported a bill entitled,

S. B. 178. An act to amend an act approved March 21, 1910, being Chapter 50 of the Acts of 1910 entitled "An act to amend An act entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended all of which Acts and amendments now appear as Article 3 of Chapter 89, Kentucky Statutes, John D. Carroll's Edition thereof in 1909.

Said bill was read the first time at length and ordered to be placed on the Calendar.

By unanimous consent,

Mr. Dickey introduced a bill entitled,

H. B. 551. An act to create the 16th and 19th Senatorial Districts of Kentucky.

Said bill was ordered to be printed and referred to the Committee on Redistricting—Legislative.

Mr. Wilson of the Comminttee on Kentucky Statutes offered the following report, viz.:

FINAL REPORT OF KENTUCKY STATUTES COMMITTEE ON INVESTIGATION OF STATE BOARD OF HEALTH.

General Assembly of the Commonwealth of Kentucky, Regular Session, 1912.

House of Representatives:

We the Committee on Kentucky Statutes, to whom an investigation of the State Board of Health of Kentucky has been conducted and completed, beg to report that we have held numerous sittings and have heard testimony offered by and for both sides of said investigation, and have heard the able arguments which were presented in the summing up of the great mass of testimony adduced to your committee, and the conclusions reached by your committee in said investigation are as follows, to-wit:

First: We beg to report that it is the conclusion and finding of your committee that House Bill No. 74, in con-

nection with which this investigation has been held, should be and the same is hereby reported with the expression of opinion that same ought not to pass.

Second: We commend the present law relative to the appointment of the members of the Board of Health by the Governor, as being effected to the end of securing efficient, capable and reliable officials for the Board of Health of the State of Kentucky.

Third: We indorse and commend the Kentucky State Board of Health and the officials comprising same, as being conscientious, capable and vigilant in the execution of their important duties, and we recognize the inestimable credit to which they are entitled for their well directed and judicious efforts in the manner of the preservation of the health and lives of the citizens of Kentucky.

Section Third A. We find that it would not be expedient under present conditions to remove the Department of Health from Bowling Green to Frankfort; but your committee recommends that such removal be effected at such future time as will not impair the efficacy of the Board in its work, or impose unnecessary cost in such removal and the re-establishment of the department at the Capitol.

Fourth: Owing to the increased appropriations recently made to the State Board of Health, and the great proportions which the Department of Health of this State is rapidly assuming, we would recommend that the State Inspector and Examiner examine and inspect said department, and that same be hereafter regularly examined and insepcted in the same manner that other State Departments and Institutions of the Commonwealth are examined and inspected.

Fifth: Your committee files herewith as part hereof, an itemized statement of the expenses incident to the investigation made by it in the connection aforesaid, and recommends that an appropriation be made for the purpose of discharging the indebtedness indicated by said statement of accounts.

All of which is most respectfully reported.
Frankfort, Ky., February 28, 1912.

B. S. WILSON, Acting Chairman.
JNO. A. POLIN,
W. A. PRICE,
S. F. REED,
W. V. PERRY,
W. SCOTT SMITH,
M. C. KIRK.

Which was received, read and ordered to be filed.

Mr. J. W. Holland moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 6, 1912.

The House was opened with prayer by the Rev. C. C. Penick of the Protestant Episcopal Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Chinn of the Committee on Mines and Mining:

H. B. 316. An act to regulate the employment of physicians and surgeons by companies or corporations operating coal mines in this Commonwealth.

By Mr. Jackson of the Committee on Public Monuments and Historical Records:

S. B. 191. An act for the participation of the Commonwealth of Kentucky in the Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in Bay Island, Ohio, in the year 1913, in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's northwestern campaign in the War of 1812, and the 100th anniversary of the battle of the Thames, in conjunction with the national government and the States of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Minnesota, Indiana and Louisiana, and making an appropriation therefor.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 77. An act to amend Section seven hundred and fifty three of the Civil Code of Practice.

By same:

S. B. 241. An act to appoint a Commissioner to prepare amendments to Civil Codes of Practice in criminal cases and to report to the General Assembly at its meeting in January, 1914.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. Res. 19. Resolution for the benefit of Mrs. George W. Hickman, widow of G. W. Hickman, deceased.

H. B. 475. An act to provide for the payment to sheriffs or other peace officers for guarding juries in felony cases when ordered by the court.

S. B. 312. An act to amend, extend and re-enact Section 2 of an act entitled "An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend, or if in attendance, cannot properly preside, being the act known as Chapter 3 of the acts of 1910 of the General Assembly.

S. B. 165. An act for the protection of game and fish.

S. B. 257. An act to amend the 335th Section of the Civil Code of Practice concerning bills of exceptions.

S. B. 252. An act to regulate the admission of attorneys to practice law.

S. B. 251. An act to amend the 203rd Section of the Criminal Code of Practice.

H. B. 537. An act concerning the compensation to be paid to special stenographic reporters in courts of continuous session and having two judges.

H. B. 536. An act to provide for a District Detective for an annual expense fund of $500, for the Commonwealth's Attorney of districts containing cities of the second class in the Commonwealth of Kentucky.

H. B. 362. An act to amend and re-enact Section 3050a of the Kentucky Statutes, edited by John D. Carroll, and the edition of 1909, relating to the annexation of cities of the second, third and fourth class to cities of the second class by including therein cities of the fifth class.

S. B. 258. An act to amend an act for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of person afflicted with tuberculosis.

S. B. 57. An act to regulate and control the conduct and use of gasoline, electric and steam propelled passenger, delivery and freight automobiles, locomobiles, machines and cars, and to protect and safeguard the public, and the general and public use of the public thoroughfares; to provide for the competency of certain evidence at the trial of offenses, and to provide a penalty for the violation thereof.

S. B. 238. An act to divide Kentucky into eleven congressional districts.

S. B. 56. An act to provide for the inspection of bulls, cows and calves held and owned in this State for the testing of same, for the destruction of same having tuberculosis, and prescribing for using reacting animals for dairy purposes.

S. B. 166. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the straightening, widening, deepening or otherwise improving public levees, ditches, drains, creeks or non-navigable streams, prescribing the method of procedure, the assessment and collection of the costs and expense thereof, creating and incorporating Boards of Drainage Commissioners, and prescribing the duties and providing for the payment of officers and employees having duties to perform hereunder.

S. B. 37. An act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles and ordered to be placed in the Orders of the Day.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed resolutions which originated in the Senate of the following titles, viz.:

S. Res. 21. Resolution providing for the appointment of a committee to investigate the feasibility of extending the street railway in Frankfort to the Capitol grounds on the Shelby street side.

S. Res. 18. Resolution to provide assistance to George A. Lewis, Superintendent of Public Printing.

That they had passed bills of the following titles, viz.:

1. S. B. 72. An act to amend Section 760 of the Civil Code of Practice.

2. S. B. 87. An act to amend the charter of cities of the third class.

3. S. B. 100. An act concerning Circuit Courts having seven judges.

4. S. B. 101. An act to authorize and add one additional judge for the thirteenth Circuit Court District.

5. S. B. 120. An act making it unlawful to purchase, procure or deliver spirituous, vinous or malt liquors in local option territory.

6. S. B. 134. An act for the prevention of blindness in the State of Kentucky.

7. S. B. 138. An act entitled an act to authorize the investigation and examination of any body whose death resulted from suspected poisoning or other illegal causes unknown and the employment of competent medical assistance in determining the same.

8. S. B. 164. An act to amend Section 4224 of the Kentucky Statutes, Carroll's edition in regard to revenue and taxation.

9. S. B. 108. An act to indemnify the American National Bank, of Louisville, Kentucky, for money heretofore advanced for the purpose of maintaining the Kentucky In-

stitution for the Education of Blind, to prohibit the officers of said institution from hereafter incurring debt in excess of its appropriations and providing a penalty therefor.

10. S. B. 171. An act providing for the complete registration of the blind of Kentucky, and the empowering and directing the Boards of Health in the various counties of this Commonwealth to gather information of the causes and conditions of the blind of Kentucky and report the same to the Governor.

11. S. B. 189. An act to prohibit the use of either word "bank" or "trust" as part of any name or title or in advertising by any person, association or corporation excepting by such corporations as are authorized under and comply with the laws relating to a bank or trust company and providing for a penalty for violations thereof.

12. S. B. 192. An act to authorize the auditing and to provide for the payment of the deficit occasioned by the House of Reform, to prohibit the incurrance of debt by said institution in excess of appropriation for its use and maintenance and to provide a penalty therefor.

13. S. B. 194. An act to further regulate the assessment of fire insurance companies.

14. S. B. 210. An act to repeal an act to establish a common school for the benefit of colored people of Catlettsburg and vicinity.

15. S. B. 227. An act to require all railroad companies to stop all passenger trains at any station where may be located any State Penitentiary.

16. S. B. 239. An act prohibiting the unlawful issuing and sell, exchanging using or giving away of any transfer ticket or written or printed instrument giving or purporting to give the right of transfer of any street, street car or other public conveyance and prescribing a penalty therefor.

17. S. B. 281. An act to amend and re-enact Section 75 of the Criminal Code of Practice.

18. S. B. 287. An act to make an appropriation for securing the birth place of Jefferson Davis and erecting thereon a suitable memorial in his memory.

19. S. B. 295. An act for the benefit of the Western Kentucky Industrial College.

20. S. B. 309. An act designating the method of selecting a person to act in the absence of a disqualification of a county judge.

Said bills were severally ordered to be printed and referred as follows, viz.:

1 and 17. To Committee on Codes of Practice.

2, 3, 4 and 16. To Committee on Municipalities.

5. To Committee on County Unit and Public Morals.

6, 9 and 10. To Committee on Public Health.

7. To Committee on Judiciary.

8. To Committee on Revenue and Taxation.

11. To Committee on Banks and Banking.

12. To Committee on State Prisons and Houses of Reform.

13. To Committee on Insurance—Fire.

14. To Committee on Education No. 1.

15. To Committee on Railroads.

18. To Committee on Confederate Home.

19. To Committee on Appropriations.

20. To Committee on County and City Courts.

That they had adopted a joint resolution of the following title, viz.:

S. Res. 23. Resolution for the payment to the widow of the late Thos. Corbett, the salary due him for services in the Auditor's office from March 1, 1900, to June 13, 1900, at the rate of $100 per month.

Said resolution reads as follows, viz.:

Resolution for payment to the widow of the late Thomas H. Corbett, the salary due him for services in the Auditor's office from March 1, 1900, to June 1, 1900, at the rate on one hundred dollars per month.

Whereas, it appears that the Hon. Thos. H. Corbett, now deceased, was an employee of the Auditor's office in 1900, holding a postion of clerk in the land office under appoint-

ment of the then Auditor, Hon. Gus G. Coulter, at an agreed monthly salary of one hundred dollars, and;

Whereas, none of the employees in the said Auditor's office were paid for services from March 1, 1900, to June 13, 1900 (time during contest for offices), until December 21, 1903, and then under an opinion rendered by the Attorney General of the Commonwealth, and;

Whereas, said Thomas H. Corbett, though frequently promised that he would be paid for said services, departed this life in April, 1901, long before payment was made to all other clerks in the department, and without payment having been made to him; therefore,

Be it resolved by the Senate, the House of Representatives concurring therein,

That the Auditor of Public Accounts be, and he is hereby authorized to draw his warrant on the Treasurer of the State, by the order of the Clerk of the Senate and House of Representatives, in favor of Mrs. Rebecca Corbett, widow of Hon. Thos. H. Corbett, deceased, for the sum of three hundred and forty-three dollars and thirty-three cents, which was the amount due and unpaid to said Thomas H. Corbett for said services; same to be paid out of any sum in the treasury not otherwise appropriated.

By unanimous consent the rules were suspended and said resolution was taken up for consideration and was concurred in.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	T. J. Gregory	S. F. Middleton
Robert H. Akin	Joe Hall	Ben E. Niles
George Baker	Elwood Hamilton	Luther C. Owings
J. M. Bean	V. D. Hammond	W. F. Parker
Eli Berry	A. B. Hatton	William A. Perry
Thos. M. Bertram	A. B. Holland	Marion F. Pogue
E. Bishop	John W. Holland	John A. Polin
Hiram Brown	James R. Howell	Stanley F. Reed
Wallace Brown	W. J. Jackson	Robt. H. Scott
Wm. L. Bowling	Green R. Keller	W. A. Shawler
G. E. Carroll	M. C. Kirk	Walter S. Sinclair
Henry Chunn	Charles H. Knight	Adam Spahn
Sidney J. Collins	William J. Kuh	John G. Stoll
Elkanah Dickey	James A. Leach	C. B. Thompson
Francis B. Douglas	F. A. Lochry	E. B. Thompson
G. L. Drury	Hugh Mahin	D. B. Thurman
Ben F. Egleston	B. J. Matthews	Yeaman Watkins
J. H. Elder	Emanuel Meyer	E. B. Wiley
John M. Farra	Harry J. Meyers	Charles Yancy

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Those who voted in the negative were—

C. W. Burton	W. Scott Smith	J. H. Williams
D. Clarence Gray	David W. Wiley	

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The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 453. An act to prohibit the use of the name or brand of a manufacturer on labels without authority.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no dealer or merchant shall make or apply or cause to be made or applied to any parcel or package any printed, written, stamped, engraved or other kind or character of label bearing the brand or name or both such brand and name of any manufacturer without the written authority of said manufacturer.

§ 2. Any person, firm or corporation violating the provisions of this act shall be fined in any sum not less than ten nor more than fifty dollars for each offense.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	W. J. Jackson
Robert H. Akin	Ben F. Egleston	Green R. Keller
J. M. Bean	J. H. Elder	John G. Kelley
E. Bishop	Eli Farmer	M. C. Kirk
H. C. Blades	John M. Farra	William J. Kuh
John F. Brewer	John F. Fryer	James A. Leach
Hiram Brown	D. Clarence Gray	B. J. Matthews
C. W. Burton	T. J. Gregory	Harry J. Meyers
G. E. Carroll	Joe Hall	S. F. Middleton
George P. Chinn	Elwood Hamilton	R. C. McClure
Henry Chunn	V. D. Hammond	W. N. McCubbin
Sidney G. Clay	A. B. Hatton	C. B. Nichols
W. Frank Cole	A. B. Holland	Ben E. Niles
W. L. Craig	John W. Holland	Luther C. Owings
Elkanah Dickey	R. Dillard Hunter	A. W. Palmer
Francis B. Douglas	Earl C. Huntsman	W. F. Parker

J. R. Paxton	Walter S. Sinclair	E. B. Thompson
John A. Polin	W. Scott Smith	D. B. Thurman
W. A. Price	Adam Spahn	E. B. Wiley
Stanley F. Reed	John G. Stoll	David W. Wiley
S. H. Rogers	C. B. Thompson	B. S. Wilson

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 297. An act to provide a system for the assessment, levy and collection of taxes in towns of the sixth class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the County Assessor of each county of this Commonwealth in which towns of the sixth class are located, when making his assessment as of the first of September of each year for State and county purposes, to make a list of all property owned by persons and corporations situated in said towns of the sixth class, or owned by persons residing without said towns of the sixth class but subject to taxation in said towns.

§ 2. The blanks prepared for the County Assessors to be used in making assessmentes for State and county purposes shall be provided with a separate column in which the names of all persons residing in towns of the sixth class, or holding or owning property subject to taxation in said towns, shall be placed; and it shall be the duty of the County Assessor when making his assessment to place the names of

all such persons in said column; and for his services he shall be allowed as compensation one cent on each one hundred dollars of property assessed by him.

§ 3. Immediately after the Board of Equalization for the county shall have completed its labors, it shall be the duty of the County Court of each county in which towns of the sixth class are situated to make out a list of all the taxpayers of each town of the sixth class, and the amount of property owned by each of said taxpayers, and certify said list, and transmit it to the clerk of the Board of Trustees of said town; and said list, when received by said clerk and filed and endorsed, shall become the assessment roll for said town for said year. For his services the clerk shall be allowed the sum of three dollars per day, not to exceed in the aggregate the sum of six dollars.

§ 4. At its next meeting after said list shall have been received and filed and endorsed by the clerk of the Board of Trustees, the Board of Trustees of said town shall proceed upon said list to make its tax levy for said year, and said taxes may be collected by the town marshal or the sheriff of the county in which said town is situated at the option of the Board of Trustees.

§ 5. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read third time by its title and placed on its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Elwood Hamilton	John A. Polin
A. V. Bertram	A. B. Hatton	S. H. Rogers
Wallace Brown	John W. Holland	W. Scott Smith
Sidney G. Clay	Green R. Keller	A. H. Stamper
Francis B. Douglas	W. E. King	C. B. Thompson
G. L. Drury	M. C. Kirk	Yeaman Watkins
Ben F. Egleston	William J. Kuh	E. B. Wiley
J. H. Elder	James A. Leach	B. S. Wilson
John M. Farra	Hugh Mahin	Charles Yancy
John F. Fryer	C. B. Nichols	
Joe Hall	Luther C. Owings	—30

Those who voted in the negative were—

William Ahl	W. L. Craig	B. J. Matthews
Eugene G. Asher	Elkanah Dickey	Harry J. Meyers
J. M. Bean	Eli Farmer	Charles D. McCrea
Eli Berry	Allie T. Gaines	W. N. McCubbin
Thos. M. Bertram	D. Clarence Gray	W. F. Parker
John F. Brewer	T. J. Gregory	William A. Perry
Hiram Brown	R. Dillard Hunter	W. A. Shawler
Wm. L. Bowling	Earl C. Huntsman	John G. Stoll
C. W. Burton	W. J. Jackson	E. B. Thompson
G. E. Carroll	John G. Kelley	David W. Wiley
Henry Chunn	Charles H. Knight	J. H. Williams
W. Frank Cole	J. Albert Leach	Edward L. Young
Sidney J. Collins	F. A. Lochry	—39

And so said bill was rejected.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 37. An act to amend Section 11 of an act relating to husband and wife, and entitled "Husband and Wife," approved May 16, 1893 (Kentucky Statutes, Section 2106).

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section eleven (11) of an act entitled: "An act relating to Husband and Wife, and entitled, 'Husband and Wife'" (Section 2106, Kentucky Statutes), be amended by striking out the words, "if either of the parties be under twenty-one years of age," in lines one and two, and adding the following words: "If the male party be under twenty-one years of age and not before married, or the female party be under eighteen years of age," so that said section as amended and re-enacted shall read as follows: "If the male party be under twenty-one years of age and not before married or the female party be under eighteen years of age and not before married no license shall issue without the consent of his or her father or guardian, or, if there is none, or he is absent from the State, without the consent of his or her mother, personally given, or certified in writing to the clerk over his or her signature, attested by two subscribing witnesses, and proved by the oath of one of them, administered by the clerk."

Where the parties are personally unknown to the clerk, a license shall not issue until bond, with good surety, in the penalty of one hundred dollars, is given to the Commonwealth, with condition that there is no lawful cause to obstruct the marriage.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Joe Hall	William A. Perry
Eli Berry	V. D. Hammond	W. V. Perry
Wm. L. Bowling	A. B. Hatton	Stanley F. Reed
C. W. Burton	John W. Holland	Robt. H. Scott
G. E. Carroll	James R. Howell	W. Scott Smith
George P. Chinn	R. Dillard Hunter	Adam Spahn
Sidney G. Clay	Earl C. Huntsman	A. H. Stamper
W. Frank Cole	Charles H. Knight	John G. Stell
W. L. Craig	William J. Kuh	E. B. Thompson
Francis B. Douglas	F. A. Lochry	D. B. Thurman
Ben F. Egleston	Emanuel Meyer	Yeaman Watkins
J. H. Elder	Harry J. Meyers	David W. Wiley
S. Walton Forgy	R. C. McClure	Edward L. Young
John F. Fryer	C. B. Nichols	—43
Allie T. Gaines	Luther C. Owings	

Those who voted in the negative were—

William Ahl	D. Clarence Gray	S. F. Middleton
Eugene G. Asher	T. J. Gregory	Charles D. McCrea
George Baker	Elwood Hamilton	W. N. McCubbin
J. M. Bean	A. B. Holland	Ben E. Niles
A. V. Bertram	W. J. Jackson	A. W. Palmer
E. Bishop	Green R. Keller	W. F. Parker
John F. Brewer	John G. Kelley	J. R. Paxton
Henry Chunn	W. E. King	John A. Polin
Elkanah Dickey	M. C. Kirk	Walter S. Sinclair
G. L. Drury	James A. Leach	J. H. Williams
John M. Farra	B. J. Matthews	B. S. Wilson
		—33

Resolved that the title thereof be as aforesaid.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House entitled,

H. B. 49. An act appointing matrons for jails for cities of the first class.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 418. An act to amend and re-enact Section 1930 of the Kentucky Statutes concerning fugitives from justice, passed August 3, 1892.

Together with an amendment proposed thereto by the Committee on Judiciary.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1930 of the Kentucky Statutes concerning "Fugitives from Justice" be, and the same is, hereby amended and re-enacted, so that the same shall read as follows:

A person guilty of felony anywhere in the United States, if found in this State, may be arrested and confined in jail and delivered over to the proper authority in the following manner:

First—A warrant issued by any judicial authority, upon oath made by any ministerial officer of this Commonwealth that the person named is wanted for a felony in some State or Territory in the United States, shall authorize his arrest

by any ministerial officer or other person who may be directed by name.

Second—The person arresting the accused shall immediately take him before the Circuit Judge, Judge of the County Court, or the Police Judge of a city in the county in which he was arrested, who shall, upon hearing the evidence, if satisfied of the guilt of the prisoner, commit him to the jail of the county where he was arrested, there to remain sixty days, unless he be legally discharged or removed upon the demand of the executive of the State or Territory in which it is charged that the offense was committed.

Third—It shall be the duty of the person who caused the arrest of said fugitive to be made, to notify the executive of the State or Territory in which the crime was committed.

The amendment as proposed thereto by the committee is as follows, viz.:

Amend by striking out of Section 1 in line 3 the following words "is wanted for" and insert in lieu thereof the words "has committed."

Said amendment was agreed to.

Mr. Kelley offered the following amendment to said bill:

Section 2, line 17, strike the word "sixty" and insert in lieu thereof the word "five."

Said amendment was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Ben F. Egleston	Harry J. Meyers
Robert H. Akin	J. H. Elder	S. F. Middleton
Eugene G. Asher	Eli Farmer	R. C. McClure
P. L. Atherton	John M. Farra	W. N. McCubbin
George Baker	John F. Fryer	Luther C. Owings
J. M. Bean	Allie T. Gaines	W. F. Parker
Eli Berry	D. Clarence Gray	William A. Perry
A. V. Bertram	T. J. Gregory	John A. Polin
Thos. M. Bertram	A. B. Hatton	W. A. Price
E. Bishop	A. B. Holland	Stanley F. Reed
John F. Brewer	Green R. Keller	S. L. Robertson
C. W. Burton	W. E. King	Robt. H. Scott
G. E. Carroll	Charles H. Knight	Walter S. Sinclair
George P. Chinn	William J. Kuh	W. Scott Smith
Henry Chunn	James A. Leach	Adam Spahn
Sidney G. Clay	J. Albert Leach	C. B. Thompson
W. L. Craig	F. A. Lochry	D. B. Thurman
Elkanah Dickey	B. J. Matthews	David W. Wiley
G. L. Drury	Emanuel Meyer	B. S. Wilson

—57

Those who voted in the negative were—

Yeaman Watkins

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 65. An act creating the County of McCreary.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of McCreary be, and the same is hereby created, being a portion of the counties of Pulaski, Wayne and Whitley, and the same is bounded as follows:

Beginning at a stone set on the Kentucky and Tennessee State line 11,500 ft. west of Rock Creek and running thence N. 63 E. 2,805 ft. to a stake, N. 12 E. 2,805 ft. to a stake, N. 22 E. 1,320 ft. to stake, N. 46 E. 2,062 ft. to stake, N. 40 E. 1,815 ft. to stake, N. 72 E. 990 ft. to stake, N. 30 E. 1,650 ft. to stake, N. 75 E. 1,880 ft. to stake, N. 31 E. 1,320 ft. to stake, N. 45 E. 660 ft. to stake, N. 53 E. 990 ft. to stake, S. 43 W. 2,805 ft. to stake, N. 75 W. 577 ft. to stake, N. 43 E. 990 ft. to stake, N. 1,650 ft. to stake, N. 75 E. 742 ft. to stake, N. 51 E. 660 ft. to stake, N. 22 E. 990 ft. to stake, N. 42 E. 990 ft. to stake, N. 72 E. 1,320 ft. to stake, N. 2 E. 906 ft. to stake, N. 55 E. 3,135 ft. to stake, N. 4 E. 825 ft. to the Hollow Rock, N. 31 E. 990 ft. to stake, N. 16 E. 1,320 ft. to stake head of Steel Hollow, N. 67 E. 759 ft. to stake, N. 40 E. 4,207 ft. to stake, N. 77 E. 4,290 ft., N. 15 E. 3,465 ft. to stake, in S. L. Dobb's field, N. 34 W. passing the head of Wolf Creek at 2,622 ft. in all 5,445 ft. to stake, N. 22 W. 1,980 ft. to stake at top of hill, N. 6½ W. leaving the road at A. C. Foster's at 2,640 ft. in all 9,075 ft. to the north of Burk's Branch at the Little South Fork River, thence down said river with its meanderings, when reduced to a straight line N. 15 W. 5,610

ft. to the mouth of Sink Hole Hollow, thence still following the meanderings of said river when reduced to a straight line N. 75 E. 6,600 ft. to the Baker Branch, thence still following the meanderings of said river when reduced to a straight line N. 35 E. 2,640 ft. to the Hiram Vaugh Ford, thence still following the meanderings of said river when reduced to a straight line———————— 2,310 ft. to the head of a long shoal near J. M. Anderson's, thence still following the meanderings of said river N. 40 E. 1,650 ft. N. 50 E. 264 S. 72 E. 1,188 ft. N. 24 E. 561 ft. North 548 ft. N. 10 E. 435 ft. N. 54 E. 825 ft. N. 6 E. 1,914 ft. N. 44 E. 330 ft. E. 1,287 ft. N. 17 E. 1,046 ft. to a stake on Shelby Martin's farm, S. 32 E. 726 ft. S. 40 W. 660 ft. S. 71 W. 297 ft. N. 58 W. 198 ft. N. 4 W. 495 ft. N. 40 E. 1,287 ft. N. 30 E. 429 ft. to Ritner Mill, N. 52 E. 363 ft. N. 30 E. 1,023 ft. N. 72 E. 429 ft. S. 45 E. 825 ft. N. 88 E. 264 ft. N. 17 E. 752 ft. N. 55 E. 445 ft. S. 66 E. 1,386 ft. to Robert's Branch, N. 85 E. 1,221 ft. N. 65 E. 363 ft. N. 8 W. 2,112 ft. N. 52 E. 363 ft. N. 59 E. 703 ft. N. 65 E. 330 ft. S. 78 E. 891 ft. S. 85 E. 363 ft. N. 82 E. 759 ft. to Feedam Ford, N. 38 E. 330 ft. N. 15 W. 150 ft. N. 54 W. 1,254 ft. N. 28 W. 1,056 ft. N. 40 W. 1,240 ft. N. 5 W. 330 ft. N. 60 E. 561 ft. N. 52 E. 561 ft. East 231 ft. S. 30 E. 1,105 ft. N. 60 E. 231 N. 35 E. 990 ft. N. 66 E. 462 ft. to the head of Dry Bend, S. 62 E. 1,650 ft. S. 60 E. 363 ft. N. 27 E. 1,288 ft. N. 30 E. 330 ft. N. 84 E. 1,023 ft. N. 31 E. 990 ft. N. 60 E. 984 ft. North 165 ft. N. 56 W. 891 ft. N. 65 E. 1,287 ft. N. 44 E. 561 ft. North 1,749 ft. N. 28 W. 660 ft. N. 2 W. 1,056 ft. N. 42 E. 330 ft. to the mouth of the Little South Fork River, thence down the Big Sandy Fork of Cumberland River with its meanders N. 40 W. 2,640 ft. N. 53 W. 1,930 ft. N. 12 W. 825 ft. to point where the Cooper Road crosses the river, thence still down the river with its meanders, N. 40 E. 561 ft. N. 70 E. 701 ft. N. 86 E. 2,203 ft. N. 54 E. 2,508 ft. N. 20 W. 742 ft. N. 74-30 W. 3,795 ft. N. 24 W. 4,389 ft. N. 45 E. 594 ft. S. 88 E. 2,739 ft. N. 58 E. 899 ft. N. 6 E. 1,303 ft. to the mouth

of Cooper Creek, thence N. 57 E. crossing line of the Cincinnati, New Orleans & Texas Pacific Railroad at 21,499 ft. in all 54,499 ft. to the mouth of Beaver Creek, on Cumberland River, thence up the Cumberland River with its meanders N. 85-30′ E. 1,320 ft. N. 67-30′ E. 1,738 ft. S. 73-30′ E. 580 ft. N. 66-30′ E. 1,060 ft. S. 84-30′ E. 1,561 ft. N. 51-30′ E. 643 ft. N. 85 E. 2,018 ft. N. 61-30′ E. 1,708 ft. N. 49 E. 2,805 ft. N. 48 E. 2,508 ft. N. 37 E. 400 ft. S. 83-15′ E. 1,815 ft. S. 60 E. 780 ft. to the mouth of the Rockcastle River, thence still with the meanders of said river S. 44-15′ E. 1,059 ft. S. 6 W. 990 ft. S. 44 W. 1,155 ft. S. 32 W. 965 ft. S. 63-15′ W. 1,329 ft. S. 65 W. 561 ft. S. 22 W. 767 ft. S. 28 E. 1,782 ft. S. 23-30′ E. 437 ft. S. 54 E. 1,988 ft. S. 48 E. 247 ft. to the mouth of Mill Creek, at the Cumberland River, thence up the Cumberland River with its various meanderings, S. 62 E. 198 ft. to the Pulaski and Whitley County line, S. 79 E. 330 ft. S. 87 E. 1,400 ft. same course, 950 ft. N. 80 E. 1,650 ft. N. 58 E. 1,089 ft. to the mouth of Oldfield Branch, thence still continuing with the meanderings of said Cumberland River when reduced to a straight line, S. 85 E. 17,920 ft. to the mouth of Laurel River, thence still continuing with the meanderings of Cumberland River when reduced to a straight line S. 15 W. 13,500 ft. to the mouth of Camp Creek, thence still continuing with the meanderings of Cumberland River S. 25 W. 12,000 ft. when reduced to a straight line, to the mouth of Eagle Creek, thence up Cumberland River with the meanderings thereof S. 540 W. 759 ft. S. 32 W. 2,310 ft. S. 17 E. 561 ft. to Great Falls, S. 10 E. 330 ft. S. 46 E. 506 ft. S. 68 E. 330 ft. S. 80 E. 330 ft. N. 76 E. 990 ft. N. 52 E. 330 ft. N. 45 E. 660 ft. to Devil Shoals; N. 65 E. 660 ft. E. 330 ft. S. 63 E. 1,320 ft. S. 82 W. 660 ft. N. 77 E. 1,716 ft. S. 68 E. 330 ft. S. 35 ft. E. 330 ft. S. 44 W. passing the mouth of Bunches Creek at forty poles, eighty poles in all S. 58 W. 2,772 ft. S. 72 E. 3,564 ft. S. 58 W. 594 ft. to Mulberry Branch, S. 42 W. 5,824 ft. to Pitch Shoals, thence continuing with the meanderings

of said river S. 25 W. 1,650 ft. to the mouth of Indian Creek, still with the meanderings of said river S. 12 W. 7,000 ft. to mouth of March Creek, when reduced to a straight line, S. 85 E. 3,000 ft. to two large boulders, and a double ivy at the lower end of Terrapin Shoals between the mouth of Bee Shoals Branch and the mouth of Buck Shoals Branch, thence leaving the Cumberland River and running due south 5,780 ft. to a set stone (52,800 ft. due west from the courthouse in Williamsburg) still due south 2,000 ft. to set stone, thence S. 1 E. 1,000 ft. to stake S. 2 E. 1,000 ft. to stake, S. 3 E. 1,000 ft. to a poplar bush, S. 4 E. 1,000 ft to two black oak bushes, S. 5 E. 1,000 ft. to a stake near St. Jones' barn, S. 6, 1,000 ft. to stake and rock, S. 7 E. 1,000 ft. to a maple, sourwood and hickory, S. 8 E. 1,000 ft. to a pine, S. 9 E. 1,000 ft. to a black oak and pine, S. 10 E. 1,000 ft. to a poplar bush in Henry Creekmore's field, S. 11 E. 1,000 ft. to a stake, S. 12 E. 1,000 ft. to a stake and pine by the country road, S. 13 E. 1,000 ft. to a stake on west side of the road, S. 14 E. 1,000 ft. to a blazed hickory, S. 15 E. 1,000 ft. to a stake, S. 16 E. 1,000 ft. to two white oaks and poplars, S. 17 E. 1,000 ft. to a stake on the west side of the country road near Leroy Gilreath's house, marked bush, S. 18 E. 1,000 ft. stake, two maples and dogwood, S. 19 E. 1,000 ft. to a stake near a branch, S. 20 E. 1,000 ft. to a stake, S. 21 E. 1,000 ft. stake, S. 22 E. 1,000 ft. stake, S. 23 E. 1,000 ft. stake by Joe Caddell's barn, S. 24 E. 1,000 ft. stake, S. 25 E. 1,000 ft. stake about 150 ft. from Andy Walker's barn, S. 26 E. 1,000 ft. stake, S. 27 E. 1,000 ft. stake and redbud bush, S. 28 E. 1,000 ft. stake, S. 29 E. 1,000 ft. stake at the head of Buck Branch, S. 30 E. 1,000 ft. stake, S. 31 E. 1,000 ft. stake, S. 32 E. 1,000 ft. stake, S. 33 E. 1,000 ft. stake, S. 34 E. 1,000 ft. stake, S. 35 E. 1,000 ft. stake on top of the mountain between Buck Branch and Ryan's Creek near the farm known as the Mat Gilreath old farm, S. 36 E. 1,000 ft. stake, S. 37 E. 1,000 ft. stake by large rock, S. 38 E. 1,000 ft. stake, S. 39 E. 1,000 ft. stake, S. 40 E.

1,000 ft. stake, S. 41 E. 1,000 ft. stake near cliff, S. 42 E. 1,000 ft. stake, S. 43 E. 1,000 ft. stake, S. 44 E. 1,000 ft. stake, S. 45 E. 1,000 ft. stake, S. 46 E. 1,000 ft. stake, S. 47 E. 1,000 ft. stake, near the top of the mountain, S. 48 E. 1,000 ft. stake, S. 49 E. 1,000 ft. stake, S. 50 E. 1,000 ft. stake, S. 51 E. 1,000 ft. stake in a branch poplar marked, S. 52 E. 1,000 ft. stake, S. 53 E. 1,000 ft. stake by a flat rock, S. 54 E. 1,000 ft. S. 55 E. 1,000 ft. stake by house at the lower end of Zeb Baird's field, S. 56 E. Jellico Creek in all 57,500 ft. to two willows and two sycamores marked, thence up said Jellico Creek with its meanderings, S. 23 E. 400 ft. S. 28½ E. 900 ft. to the raised ford, S. 69½ E. 264 ft. to point opposite Zion Hill church house, S. 25 E. 365 ft. S. 47 E. 495 ft. S. 40 E. 1,082 ft. to the mouth of Capuchin Creek, thence up Capuchin Creek with its meanders, S. 27 E. 193 ft. S. 54 E. 400 ft. S. 27 E. 268 ft. S. 23 E. 975 ft. S. 61 E. 350 ft. S. 54 E. 160 ft. S. 21 E. 363 ft. S. 63 E. 163 ft. S. 23 E. 380 ft. S. 12 W. 1,234 ft. S. 3 E. 1,000 ft. S. 26 W. 256 ft. to the State line rock between the State of Kentucky and Tennessee, said stone standing on the bank of Capuchin Creek and at the edge of the county road, thence west with the Kentucky and Tennessee State line, 182,000 ft. to the point of beginning.

§ 2. A Board of Commissioners is hereby created to be composed of three members, who shall be appointed by the Governor from the two political parties, and who shall be residents of said county, and who shall hold office until the work of said Commissioners is completed; and any vacancy in said Board shall be likewise filled by appointment by the Governor.

§ 3. The said Commission shall have power, and it shall be its duty, to select a temporary seat of government for said county, and to provide temporary places for holding the court and courts in said county, and for keeping the public

records of said county, until a permanent seat of government is selected, as hereinafter provided, and permanent buildings are provided for such purposes. It shall also have the power, and it shall be its duty, to divide said county into six magisterial districts. For this purpose they will meet at the town of Pine Knot, as soon after their appointment as may be, and, after being duly sworn, they will fairly and impartially divide said county into said magisterial districts. They will give the boundary of each district laid off by them; they will also divide said county into voting precincts, and fix and select the voting places in each of said precincts. They will make up in writing a report of their acts and doings under this act and forward one copy to the Secretary of State and one copy they will retain and will deposit with the County Court Clerk of said county as soon as one is appointed and qualified, as hereinafter provided, and said clerk shall preserve the same and spread it of record upon the order book of his office.

§ 4. It shall be the duty of the county courts of any county whose territory is affected by the act creating said county, to direct their respective County Court Clerks to compile, make up and certify to the County Court Clerk of said county of McCreary the property assessment lists already made for the current year of the property properly assessable in McCreary county, by reason of its location therein; and the sheriffs of said adjoining counties so affected are respectively relieved from the responsibilty of the collection of such tax lists so certified to the County Court Clerk of McCreary County. For the services of so compiling and certifying such lists as herein provided, the Fiscal Court of McCreary County shall allow to such County Court Clerks a reasonable compensation payable out of the revenue of said McCreary County.

§ 5. It shall be the duty of the Governor to appoint from the eligible citizens of said county, all of the officers provided for a county by the Constitution and laws of this State. The appointment of the magistrates for said county, however, is not to be made until after said county shall have been divided into magisterial districts as above provided. Such officers shall be required to give bond as is required of similar officers, under the Constitution and laws of this State, and they shall hold office until the next regular county election and until their successors are elected and qualified.

§ 6. The several counties from which McCreary County is taken shall have jurisdiction to their limits, the same as before this act was passed, until the officers for McCreary county shall have been appointed, as herein provided, and shall have qualified as required herein.

§ 7. The seat of government or county seat of said county shall be located at such place as may be selected by the voters of said county. It shall be the duty of the county court of said county, by order entered of record, to call an election to be held, and to direct a poll to be opened at the various voting precincts in said county, which call shall be made as soon after the establishment of the voting precincts by the Commission as above directed, as is practicable, and within ninety days after this act shall take effect and be in force. At said election the proposition for locating the county seat shall be submitted to the legal voters of said county. It shall be the duty of the county court, by orders entered of record, to direct the sheriff of the county to advertise the said election and the object thereof for at least thirty days next before the day thereof, in all the newspapers published in said county, and if none shall be published therein, then by printed hand bills posted up at not less than four of the most public places in each precinct and at the door of

the building temporarily used for a courthouse. The officers of said election shall be appointed by the county court, and the county court shall also provide for the form of ballot to be used at such election It shall be the duty of the officers of said election in each voting precinct to hold said election during the same hours they are required by law to hold elections for county officers, and said election shall be held and conducted in all respects under the general election law, except that the county court and the two magistrates residing nearest to the temporary seat of government shall constitute the board for canvassing the returns of said elections and certifying the result thereof. The place receiving the highest number of legal votes cast at said election shall be the location of said seat of government or county seat, and the result of such election shall be certified to the County Clerk of said county by the said board of canvassers and shall be spread by him on the order book of his office, and copy thereof mailed to the Secretary of State

§ 8. The Fiscal Court of said county shall provide suitable buildings in which to hold the circuit and county courts, and keep the clerks and sheriff's offices at the county seat selected until public buildings shall be provided; and while courts are held at the places so provided, all advertisements, notices, etc., required to put up at the courthouse door, or sales or other acts to be done at the courthouse door, shall be legal and binding if done at the places for holding the courts aforesaid. The said Fiscal Court, a majority concurring, are also authorized and empowered to select suitable lots of ground at the seat of justice of said county, upon which to erect the necessary buildings, and to purchase and make provisions for the payment therefor, in the manner provided by law for the acquiring of such property by a county, or they may receive such lots of ground by donation; and when so purchased or donated to the vendor or donor

shall make proper deeds therefor to the county; and they may receive subscriptions in work or materials or for money to be paid to be used in the erection or payment for the erection of the necessary buildings.

§ 9. The Fiscal Court of McCreary County shall allow to each of the Commissioners provided for in this act, and to their assistants, reasonable compnesation for their services, to be paid out of the county levy.

Mr. Parker offered the following amendment to said bill:

Amend Section 3 by striking therefrom the words "and permanent buildings are provided for such purposes" in the fifth and sixth lines of said section.

Said amendment was agreed to.

Mr. Farmer offered the following amendment to said bill:

Amend Section 7 by striking out all of said section after the word "at" in line 2 and insert in lieu therof the words "or near Whitley Station on the Cincinnati Southern Railroad."

Said amendment was disagreed to.

Mr. Asher offered the following amendment to said bill:

Amend House Bill No. 65 by adding thereto the following section:

Section 10. That the said County of McCreary when created, is hereby atached to the third appellate district for

the election of the Judge of the Court of Appeals and to the Thirty-fourth Judicial District for the holding of Circuit Courts and the times for holding the Circuit Courts in said county shall be on the second Monday in February and to continue six juridical days; on the third Monday in June and to continue twelve juridical days; on the second Monday in August to continue eighteen juridical day and said court shall be held at the county seat of said county.

Section 11. That the County Court of the County of McCreary, when said county shall be created shall be held on the second Monday of each month, and that the quarterly courts of said county shall be held upon such days as the County Judge may fix, by an order entered upon the order book of the County Court in the manner now provided by law.

Section 12. The qualified voters of said county shall vote for representatives with and said county is hereby assigned to the sixty-eighth representative district; and they shall vote with and said county is hereby assigned to the seventeenth senatorial district; and they shall vote with and said county is hereby assigned to the Eleventh Congressional District.

Said amendment was agreed to.

Mr. Polin offered the following amendment to said bill:

Strike out all of Section 7 and insert in lieu thereof the following:

Section 7. The seat of government or county seat of said county shall be the town of Whitley now in Pulaski County unless same shall be hereafter changed as provided by law.

Said amednment was disagreed to.

Mr. Polin offered the following amendment to said bill:

Amendment "A" to House Bill No. 65.

Strike out of Section 3 the first eight (8) lines of said section and substitute in lieu thereof the following:

Section 3. The said Commission shall have power, and it shall be its duty, to provide temporary places at the county seat for holding the court and courts in said county, and for keeping the public records of said county until permanent buildings are provided for such purposes. It shall have the power, and it shall be its duty, to divide said county into six magisterial districts. For this purpose they will meet at the town of Whitley, as—

Said amendment was disagreed to.

Mr. Wilson offered the following amednment to said bill:

Amendment to House Bill No. 65.

Amend Section one (1) thereof by striking therefrom all of said section commencing with the word "Beginning" in line four (4) down to and including the word "Creek" in line fifty-four (54) of said section and inserting in lieu thereof the following:

"Beginning at a stone set on the Kentucky and Tennessee State line, 11,500 feet west of Rock Creek and running thence a straight line to the mouth of Burk's Branch on the Little South Fork river; thence down the said Little South Fork River with its meanders to the mouth of said river where it empties into the Big South Fork River, and

thence down the said Big South Fork River with its meanders to the mouth of Cooper Creek."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
George Baker
J. M. Bean
Eli Berry
Thos. M. Bertram
E. Bishop
John F. Brewer
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Holland
R. Dillard Hunter
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Edward L. Young
—65

Those who voted in the negative were—

A. V. Bertram	S. Walton Forgy	John G. Stoll
Sidney J. Collins	W. J. Jackson	Yeaman Watkins
Francis B. Douglas	John A. Polin	
Eli Farmer	S. H. Rogers	—10

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled.

H. B. 471. An act to amend so much of Section 965 of Carroll's Kentucky Statutes as regulates the time of holding the term of the Circuit Court in the third Circuit Court District and provides for the time of holding same.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of Section 965 of Carroll's Kentucky Statutes as provides for the time of holding the Circuit Court in the Third Circuit Court District and the lentgh of said terms of court be amended by way of substitute, so that said Section nine hundred and sixty-five, when amended, shall read as follows:

Third District—Trigg County, at Cadiz, on the second Monday in January, eighteen juridical days. Christian County, at Hopkinsville, on first Monday in February, thirty-six juridical days. Calloway County, at Murray, on third Monday in March, eighteen juridical days. Lyon County, at Eddyville, second Monday in April, twelve juridical days. Trigg County, at Cadiz, first Monday in April, twelve juridi-

cal days. Christian County, at Hopkinsville, on second Monday in May, twenty-four juridical days. Calloway County, at Murray, on second Monday in June, twelve juridical days. Lyon County, at Eddyville, on fourth Monday in June, twelve juridical days. Trigg County, at Cadiz, on first Monday in September, eighteen juridical days. Christian County, at Hopkinsville, fourth Monday in September, thirty-six juridical days. Calloway County, at Murray, on second Monday in November, eighteen juridical days. Lyon County, at Eddyville, on first Monday in December, twelve juridical days.

Trigg County, second Monday in January, for eighteen days; Christian County, first Monday in Februaury, thirty-six days; Calloway County, third Monday in March, eighteen days; Lyon County, second Monday in April, twelve days; Trigg County, fourth Monday in April, twelve days; Christian County, second Monday in May, twenty-four days; Calloway County, second Monday in June, twelve days; Lyon County, fourth Monday in June, twelve days; Trigg County, first Monday in September, eighteen days; Christian County, fourth Monday in September, thirty-six days; Calloway County, second Monday in November, eighteen days; Lyon County, first Monday in December, twelve days.

Mr. A. B. Holland offered the following amendment to said bill by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of Section 965 of Carroll's Kentucky Statutes as provided for the time of holding the Circuit Court in the Third Circuit Court District and the length of said terms of court be amended by way of substitute, so

that said Section nine and sixty-five, when amended shalll read as follows:

Third District—Trigg County, Cadiz, on the second Monday in January, eighteen juridical days; Christian County, at Hopkinsville, on first Monday in February, thirty-six juridical days; Calloway County, at Murray, on third Monday in March, eighteen juridical days; Lyon County, at Eddyville, second Monday in April, twelve juridical days; Trigg County, at Cadiz, fourth Monday in April, twelve juridical days; Christian County, at Hopkinsville, on second Monday in May, twenty-four juridical days; Calloway County, at Murray, on second Monday in June, twelve juridical days; Lyon County, at Eddyville, on fourth Monday in June, twelve juridical days; Trigg County, at Cadiz, on first Monday in September, eighteen juridical days; Christian County, at Hopkinsville, fourth Monday in September, thirty-six juridical days; Calloway County, at Murray, on second Monday in November, eighteen juridical days; Lyon County, at Eddyville, first Monday in December, twelve juridical days.

Said substitute was agreed to.

Ordered that said bill as amended by said substiute be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	Ben E. Niles
Robert H. Akin	Joe Hall	Luther C. Owings
George Baker	Elwood Hamilton	A. W. Palmer
J. M. Bean	V. D. Hammond	W. F. Parker
Thos. M. Bertram	A. B. Holland	William A. Perry
E. Bishop	John W. Holland	Marion F. Pogue
John F. Brewer	W. J. Jackson	Robt. H. Scott
Hiram Brown	W. E. King	W. A. Shawler
Wm. L. Bowling	M. C. Kirk	Walter S. Sinclair
C. W. Burton	Charles H. Knight	W. Scott Smith
G. E. Carroll	James A. Leach	C. B. Thompson
Henry Chunn	F. A. Lochry	E. B Thompson
Sidney J. Collins	Hugh Mahin	D. B. Thurman
W. L. Craig	B. J. Matthews	Louis B. Tieman
Elkanah Dickey	Harry J. Meyers	Yeaman Watkins
G. L. Drury	S. F. Middleton	David W. Wiley
Ben F. Egleston	Charles D. McCrea	J. H. Williams
J. H. Elder	W. N. McCubbin	—55
Allie T. Gaines	C. B. Nichols	

Resolved that the title be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 299. An act to amend An act entitled, "An act to amend An act entitled 'An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth,' which became a law March 16, 1910."

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend an act entitled an act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth," be amended by striking out of section 1a of said act, the following words:

"The Board of Penitentiary Commissioners is hereby authorized to enter into such agreements with the several contractors having contracts for the hire of the labor of the inmates of the penitentiaries for such modification of the existing contracts as will enable the Board of Penitentiary Commissioners to carry out the letter and spirit of this act," and by inserting in lieu thereof, the following:

"The Board of Penitentiary Commissioners is hereby authorized to enter into such agreements with the several contractors having contracts for the hire of the labor of the inmates of the penitentiaries for the modification of such contracts as existed on March 16, 1910, by modifying the terms and duration of same provided for therein; provided, however, that no option of extension or renewal shall prolong said modified contracts beyond the termination of the optional extension of existing contracts, made and entered into under the act of March, 1910, so as to enable the Board of Penitentiary Commissioners to carry out the letter and spirit of this act."

So that said Section 1a, as amended, shall read as follows, to-wit:

§ 1a. The Board of Penitentiary Commissioners is authorized and directed to convert one of the two penitentiaries of this Comonwealth into a penal institution to be known as the Kentucky Penitentiary in which shall be incarcerated all convicts over the age of thirty years and such

other convicts as, in the judgment of the Board of Penitentiary Commissioners, are habitual criminals or guilty of such atrocious crimes or bad conduct as to warrant said Board in removing them from the reformatory hereinafter provided for.

The other penitentiary shall be known as the Kentucky State Reformatory and in it shall be incarcerated all convicts thirty years of age and under except habitual criminals and those guitly of such atrocious crimes or bad conduct as the Board of Penitentiary Commissioners, in its discretion, shall deem it best to confine in the Kentucky penitentiary. Said Board shall be authorized to incur the necessary expense in transferring the convicts from one institution to the other as required under this act and the expense of such transfer shall be paid out of the State Treasury by warrant of the State Auditor upon the presentation of an itemized statement of such expense certified by the Board of Penitentiary Commissioners.

The Board of Penitentiary Commissioners shall provide for the training of each and every convict in the Kentucky Penitentiary and the Kentucky State Reformatory in the common branches of an English education; also in some trade, industry or handicraft, and offer such rewards as will enable him upon his release to more surely earn his own support and make him more self-reliant and self-supporting. For this purpose said Board shall establish and maintain common schools and trade schools in said penitentiary and reformatory and make all needed rules and regulations for the government of the same, incur the necessary expense and do such acts as may be necessary to accomplish such results.

The Board of Penitentiary Commissioners is authorized to place to the credit of each prisoner such amount of the

average per capita earnings of the inmates as said Board may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is in prison and his general deportment; provided, that such credit shall in no case exceed twenty per cent of his proportion of the average per capita of earnings, and the funds thus accruing to the crdit of any prisoner shall be paid to him or his family at such time and in such manner as the Board of Penitentiary Commissioners may deem best; provided, that at least twenty-five per cent of such credit shall be left for and paid to such prisoner at the time of his final discharge by the Board of Penitentiary Commissioners; and provided, further, that the warden may, with the approval of the Board of Penitentiary Commissioners, by way of punishment for violation of rules and of propriety or any other misconduct, cancel or distribute to the family of the prisoner such portion of such credit as he may deem best. The money derived from the labor of convicts shall be paid into the State Treasury as now provided by law and the amount of the earnings to which each convict shall be entitled shall be certified to the Auditor of State by the Board of Penitentiary Commissioners, with directions to whom such earnings shall be paid and in what amounts and it shall be the duty of the Auditor of the State to draw his warrant upon the State Treasurer in favor of the person and for the amount to designated by the Board of Penitentiary Commissioners.

The Board of Penitentiary Commissioners is hereby authorized to enter into such agreements with the several contractors having contracts for the hire of the labor of the inmates of the penitentiaries for the modification of such contracts as existed on March 16, 1910, by modifying the terms and duration of same provided for therein; provided, however, that no option of extension or renewal shall prolong

said modified contracts beyond the termination of the optional extension of existing contracts, made and entered into under the act of March, 1910, so as to enable the Board of Penitentiary Commissioners to carry out the letter and spirit of this act.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
George Baker
Eli Berry
E. Bishop
C. W. Burton
George P. Chinn
Henry Chunn
Sidney G. Clay
Elkanah Dickey
Francis B. Douglas
G. L. Drury
J. H. Elder
S. Walton Forgy
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Holland
John W. Holland
James R. Howell
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
William A. Perry
W. V. Perry
Marion F. Pogue
W. A. Price
Stanley F. Reed
W. A. Shawler
W. Scott Smith
Adam Spahn
C. B. Thompson
E. B. Wiley
David W. Wiley
B. S. Wilson
Edward L. Young
—49

Those who voted in the negative were—

J. M. Bean	T. J. Gregory	W. F. Parker
A. V. Bertram	Earl C. Huntsman	S. H. Rogers
Thos. M. Bertram	W. J. Jackson	Robt. H. Scott
John F. Fryer	F. A. Lochry	Walter S. Sinclair
Allie T. Gaines	B. J. Matthews	E. B. Thompson
D. Clarence Gray	W. N. McCubbin	Yeaman Watkins

—18

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 231. An act to amend and re-enact Section 2248 Kentucky Statutes relating to the qualifications of grand juries.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Section 2248 of Chapter 74, John D. Carroll's 1909 Edition of the Kentucky Statutes, be and the same is hereby amended by striking therefrom the following words: "Or who, for reward, has, within the preceding six months, stood a horse, jack or bull," in lines eight and nine of said section, so that said section as amended shall read as follows:

"A grand jury shall consist of twelve persons, and no person shall be qualified to serve as a grand juryman unless he be a citizen and housekeeper of the county in which he may be called to serve, and over the age of twenty-one years.

No civil officer (except trustees of schools), no surveyor of a highway, tavern keeper, vender of ardent spirits by license, or person who is under indictment, or who has been convicted of a felony, and not pardoned, shall be competent to serve as a grand juror; but the fact that a person not qualified or competent served on a grand jury, shall not be cause for setting aside indictments found by such grand jury."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Ben F. Egleston	Harry J. Meyers
Robert H. Akin	J. H. Elder	S. F. Middleton
George Baker	Eli Farmer	R. C. McClure
J. M. Bean	John F. Fryer	Charles D. McCrea
Eli Berry	Allie T. Gaines	Ben E. Niles
A. V. Bertram	Joe Hall	Luther C. Owings
Thos. M. Bertram	Elwood Hamilton	A. W. Palmer
E. Bishop	A. B. Holland	W. F. Parker
H. C. Blades	John W. Holland	William A. Perry
Hiram Brown	James R. Howell	W. V. Perry
Wm. L. Bowling	Earl C. Huntsman	Marion F. Pogue
G. E. Carroll	Green R. Keller	W. A. Price
George P. Chinn	M. C. Kirk	S. L. Robertson
Henry Chunn	William J. Kuh	S. H. Rogers
Sidney J. Collins	James A. Leach	Robt. H. Scott
W. L. Craig	F. A. Lochry	W. A. Shawler
Elkanah Dickey	Hugh Mahin	Walter S. Sinclair
G. L. Drury	Emanuel Meyer	W. Scott Smith

A. H. Stamper	D. B. Thurman	David W. Wiley
C. B. Thompson	Louis B. Tieman	J. H. Williams
E. B. Thompson	Yeaman Watkins	B. S. Wilson

—63

Those who voted in the negative were—

D. Clarence Gray	W. J. Jackson
T. J. Gregory	W. E. King

—4

And then the House recessed until three o'clock.

AFTERNOON SESSION.

At three o'clock the House reconvened.

A message was received from the Senate anouncing that they had passed bills of the following titles, viz.:

1. S. B. 105. An act to amend Section 2557a Kentucky Statutes relating to the sale of intoxicating liquors.

2. S B. 300. An act to amend Section 965 of Subdivision 1 of Article 2 of Chapter 35 of the Kentucky Statutes Carroll's Edition, 1909, so far as said section applies to the holding of circuit courts in the counties of Carroll and Gallatin in the Fifteenth Judicial District and so far as it applies to the holding of circuit courts in the counties of Owsley, Perry, Leslie and Letcher in the Thirty-third Judicial District and to the holding of circuit courts in the counties of Lee, Estill, Breathitt and Wolfe, in the Twenty-third Judicial District.

Said bills were severally ordered to be printed and referred,

1. To Committee on County Unit and Public Morals.

2. To the Committee on Circuit Courts.

According to order the House took up for consideration a bill which originated in the Senate entitled,

S. B. 4. An act defining public roads, providing for their establishment, regulation and construction and use and maintenance, creating the office of Road Engineer and prescribing the duties thereof.

Mr. Paxton offered the following amendments to said bill:

Strike out of Section 17 the words: "except in case of State aid roads and turnpikes as provided in Section 17 of this chapter."

Strike from Section 18 the following language: "or any road in which the State shall hereafter invest money according to any plan of State aid."

Strike from said section the following words: "And in case of a road which may have been established by means of State aid the consent of the State Commissioner of Public Roads must have been obtained in writing, setting forth the changes allowed."

Strike from the third paragraph of Section 19 the following words: "but in no case shall the county court alter or change the location of any road, in which the State shall have invested any money, according to any plan of the State aid, without the consent of the State Commissioner of Public Roads."

Add to Section 20 the following words: "subject to the consent and approval of the Fiscal Court."

Strike from Section 22 all words thereof and insert in lieu thereof the following:

"When it is necessary to build or repair a bridge and said building and repair will cost more than $500.00. the County Road Engineer shall notify the State Commissioner of Public Roads that such work is to be done. The State Commissioner of Public Roads shall then furnish to the Fiscal Court plans, specifications and estimates of costs, and the Fiscal Court shall publish in a newspaper in the county, if there be one, the cost as estimated by the State Commissioner of Public Roads. If there is no newspaper published in the county, this information shall be made public by hand bills. The County Road Engineer shall keep in his records the plans, specifications and estimates of cost furnished by the State Commissioner of Public Roads; and also the plans, specifications and estimates of cost and the actual cost of the repair or construction work which is actually done. It shall not be obligatory on the part of the Fiscal Court to accept the plans, specifications and estimates furnished by the State Commissioner of Public Roads. This same plan shall be followed in making the purchase of all county road machinery, when the amount of said purchase is $500.00 or more.

When a new metal road is to be built or an old dirt road converted into a metal road the Fiscal Court of the county in which such improvement is to be made shall notify the State Commissioner of Public Roads and he shall send an assistant engineer to assist in laying out said road, and in drawing plans and specifications and in making up estimates of cost for said road. This shall be done at the expense of the State. The County Road Engineer shall not be compelled to accept the plans and sepcifications of the State Engineer and shall make public such plans, specifications and esti-

mates of cost, and shall keep same in his records in the same manner as provided in this section for bridges.

Strike from Section 23 the first three words, "in like manner."

Strike from Section 25 the words: "except such as those mentioned in Sections 22 and 24."

Strike from paragraph 2 of Section 28 the following words: "As provided in Section 22 of this chapter."

Strike from Section 32 after the word "permanent improvement of the public roads" the words "by State aid;" and strike from said section the last words thereof: "for counties to apply for and receive State aid."

Strike from Section 33 the words "and approved by the State Commissioner of Public Roads."

Add at the end of Section 34 the words:

The tax provisions of this section shall not apply to counties assessing over four millions of property for taxation.

Strike from Section 48, lines three to twenty-two, both inclusive, and inserting in lieu thereof the following language, "The County Judge of each of the counties of this State, by and with the consent of the Fiscal Court, shall within thirty days after this law becomes operative on or before the first day of October, 1912, and every two years thereafter, appoint a County Road Engineer, who shall be either a reputable Civil Engineer, or a man who has had practical experience as a Road Supervisor or builder for

two years, and who shall have passed a creditable examination by the State Commissioner of Public Roads, or one of his representatives."

Nothing in this section shall prevent the present County Road Supervisors from serving the term for which he was elected or appointed.

Add to paragraph 5 of Section 48 after the words "county judge of the county" the words: "by and with the consent and approval of the Fiscal Court."

Strike out paragraph 1 of Section 49 and insert the words: "The County Road Engineer shall have an office at the county seat of the county."

Strike from second paragraph of Section 49 the words: "upon complaint of the Commissioner of Public Roads."

Add to Section 50 after the words "county judge of the county," the words "by and with the consent and approval of the Fiscal Court thereof."

Strike from Section 52 the words "co-operate with the State Commissioner of Public Roads as to the roads receiving State aid and at the same time act as the agent of the county and Fiscal Courts of the county, for which he was appointed. He shall, subject to the rules and regulations of the State Commissioner of Public Roads as to roads receiving State aid or of the county or Fiscal Court of the county;" and strike out from the end of paragrph 1 of same section the words, "report to the State Commissioner of Public Roads annually on or before the first day of July in each year in relation to the roads and bridges in his county, having received State aid, containing such matter and in such

form as may be prescribed by the State Commissioner." And strike from same section, paragraph 2 thereof. Strike from the end of same section the words "or the rules and regulations of the State Commissioner of Public Roads relative to roads receiving State aid."

Strike from Section 61 the last three paragraphs thereof beginning with the words "cause the roads having or to receive State aid."

Strike from Section 84 the words, "As to roads receiving State aid of the county court of the county shall as to other roads."

Add to said bill Section 95, as follows:

"Nothing herein contained shall interfere with the right of any county to construct, reconstruct or maintain its roads and bridges by means of road and other machinery in such manner as the Fiscal Court may provide, nor shall it interfere with the right of any county to warn in hands on dirt roads, as now provided by law, but all contracts let for roads and bridges shall first be let under the provisions of this act, but should there be no suitable bid, and all bids are rejected under the plan provided, then any county may otherwise contract for the construction, reconstruction or maintenance of its roads and bridges in such manner as the Fiscal Court thereof may deem best."

Add to said bill Section 96, as follows:

"If any county Road Engineer shall directly or indirectly influence or attempt to influence any voter in any State, county or district election, in the casting of his vote for or against any candidate, or upon any other question

submitted in any such election, he shall be fined not less than twenty nor more than one hundred dollars for each offense.

Strike from Section 95 the number "95," and insert in lieu thereof the number "97."

Said amendments were severally agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George P. Chinn	L. B. Herrington
Robert H. Akin	W. Frank Cole	A. B. Holland
Eugene G. Asher	Sidney J. Collins	James R. Howell
P. L. Atherton	W. L. Craig	Earl C. Huntsman
George Baker	Elkanah Dickey	Green R. Keller
J. M. Bean	Francis B. Douglas	John G. Kelley
A. V. Bertram	Ben F. Egleston	W. E. King
Thos. M. Bertram	Eli Farmer	M. C. Kirk
E. Bishop	John M. Farra	Charles H. Knight
H. C. Blades	S. Walton Forgy	William J. Kuh
John F. Brewer	John F. Fryer	F. A. Lochry
Hiram Brown	Allie T. Gaines	Hugh Mahin
Wallace Brown	D. Clarence Gray	B. J. Matthews
Wm. L. Bowling	Joe Hall	Emanuel Meyer
C. W. Burton	Elwood Hamilton	Harry J. Meyers
G. E. Carroll	V. D. Hammond	R. C. McClure

Charles D. McCrea	W. A. Price	C. B. Thompson
W. N. McCubbin	Stanley F. Reed	E. B. Thompson.
C. B. Nichols	S. L. Robertson	David P. Thurman
Luther C. Owings	S. H. Rogers	Louis B. Tieman
A. W. Palmer	Robt. H. Scott	Yeaman Watkins
W. F. Parker	W. A. Shawler	E. B. Wiley
J. R. Paxton	W. Scott Smith	J. H. Williams
William A. Perry	Adam Spahn	B. S. Wilson
W. V. Perry	A. H. Stamper	Charles Yancy
John A. Polin	John G. Stoll	—77

Those who voted in the negative were—

Eli Berry	J. H. Elder	James A. Leach
Henry Chunn	T. J. Gregory	Walter S. Sinclair
Sidney G. Clay	John W. Holland	David W. Wiley
G. L. Drury	R. Dillard Hunter	—11

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 63. An act creating and establishing under and a part of the Department of Agriculture, the Department of Public Roads, and creating the office of State Commissioner of Roads and prescribing the duties thereof, and fix the salary thereof and creating a State Road Fund and fixing the manner and means of disbursing same.

Mr. Wallace Brown moved that the further consideration of said bill be postponed and that the same be placed in the Orders of the Day.

Said motion was agreed to.

Mr. Wallace Brown moved that the rules be suspended and that the House take for consideration a bill entitled,

S. B. 3. An act to create and establish a Department of Public Roads and a system of Public State Roads and to provide for maintenance thereof.

Said motion was agreed to.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created and established a department of State Government to be known as the office of Public Roads, which shall be constituted as provided in this act, and the Commissioner of Public Roads shall have the power and perform the duties hereinafter prescribed.

§ 2. The chief officer of said department shall be denominated the Commissioner of Public Roads. He shall be provided with an office at the State Capitol and shall personally superintend the duties thereof. On or before the first day of July, 1912, and every four years thereafter, the Governor shall appoint a State Commissioner of Public Roads, who shall hold his office for four years, or until his successor is duly appointed and qualified, but said Commissioner of Public Roads shall be removable by the Governor at any time for cause. The Commissioner of Public Roads shall be a graduate in civil engineering from a reputable university or technical college, and shall have had at least five years of experience in civil engineering and shall not be less than twenty-five years of age. The Commissioner shall within fifteen days from the time of notice of the final

passage of this act, take and subscribe to the oath of office to well and truly perform the duties thereof, and such oath shall be certified to by the person who administers the same, and shall be filed in the office of the Secretary of State. He shall receive a salary of twenty-five hundred dollars annually.

The Commissioner of Public Roads is hereby empowered to employ such additional engineering assistants, or clerks or stenographers as the Governor may approve of, not to exceed $10,000, in order to perform the duties required to make the service efficient.

The Commissioner of Public Roads and the employees of his office shall be repaid their actual necessary expenses while traveling on official business, but the total sum paid for traveling expenses in any one year shall not exceed five thousand dollars, an itemized account of which shall be filed with the Auditor to be audited by him before the payment thereof. The salaries of the Commissioner and others employed by the authority of this act, and all traveling expenses, authorized by this act, and the furnishings and contingent expenses of the office shall be paid upon the warrant of the Auditor of the State in the manner as the other State officials and employees are paid.

The State Commissioner of Public Roads may from time to time, with the approval of the Governor, cause to be printed and distributed throughout the State bulletins containing useful information concerning the construction and maintenance of public roads and bridges, the printing to be done by the State Printer, at the expense of the State.

He shall make a biennial report to the Governor and to the Legislature on or before the first day of December of

each biennial period and special reports at such other times as may be required by the Legislature and the Governor. The biennial report shall contain the names and compensation of each and every person that has been employed by the office, the time employed, and the whole amount of the expenses of the department during the interim not previously reported. The report shall state the condition of the public roads and bridges, the progress of the improvement and maintenance of the public roads of the State, the amount of money received and expended during the biennial period upon public roads and bridges and also containing such matter as should be brought to the attention of the Legislature, together with recommendations as to such measures in relation to public roads as the public interests require.

The Commissioner shall have printed a sufficient number of these reports to provide one for each county road engineer, and any other road officials within the State and enough to satisfy the demand that the public weal may warrant.

§ 3. The Commissioner of Public Roads shall have general supervision over all public roads and bridges which are being constructed, improved or maintained in whole or in part by aid of the State money, prescribe rules and regulations not inconsistent with law, fixing the duties of county road engineer and their employees in respect to all public roads and bridges composing the public road system of the State and determining the method of construction; such rules and regulations before taking effect, to be printed and transmitted to the public road officials affected thereby; compel compliance with laws, rules and regulations to public roads and bridges by road officials and see that the same are carried into full force and effect, aid county road engineers and their employees in establishing grades, preparing suit-

able systems of drainage, and to advise with them as to the construction, improvement and maintenance of public roads and bridges; cause plans, specifications and estimates to be prepared for the repair and improvement of public roads and the construction and repair of bridges when requested upon the various methods of road construction adapted to different sections of the State, and as to the best methods of construction and maintenance of public roads throughout the State, and to collect such information thereto as he shall deem expedient; cause meetings to be held in each county for the purpose of furnishing such general information and instruction, maintenance and improvement of public roads and bridges and the application of the road laws and the rules of the department, and also for the purpose of hearing complaints. He shall notify the county engineer of his intention to hold such meetings, specify the date and place thereof; aid at all times in promoting public road improvements throughout the State, and perform such other duties and have such other powers in respect to public roads and bridges as may be imposed or conferred upon him by law; examine and determine upon final plans and specifications from the County Court of the county; and indorse his approval thereon, together with the title of his office, and shall return the same to the clerk of the County Court of the county; prepare tables showing the number of miles of public roads in the State by counties and districts.

The license tax on automobiles and motor-driven vehicles which has heretofore accrued or may hereafter accrue, shall be deposited to the credit of the State Road Fund with the State Treasurer.

The Governor may at such times as he may deem expedient cause an examination of all accounts and records kept, as required by the general road law of the State, and

it shall be the duty of all road officials to produce all such records and accounts for examination and inspection at any time on demand of a representative of the Governor. The expense to be charged to the State Road Fund.

§ 4. Nothing in this act shall be construed or held to give or shall give the State Commissioner of Public Roads any power or control over any road constructed or maintained solely by money or labor provided or furnished by any county in which such road may be located. That there is hereby created a system of Public State Highways, which shall be composed and be all the roads to which State aid is furnished.

§ 5. To provide means whereby the State of Kentucky may aid the counties of the State in surveying and making maps of the public roads located therein, for locating and constructing new roads, for reconstruction and maintenance of old roads, for relocating and constructing roads already established as public roads, and to pay the State's share in the cost of such work, there is hereby set apart and created in the Treasury of the State of Kentucky a fund to be hereafter known as the State Road Fund and to be collected and disbursed as set forth in this act.

§ 6. The State Road Fund may be supplemented at any time by gifts from private citizens or from any other source.

§ 7. There shall be levied and collected and paid into the Treasury of the State in the same manner prescribed by law for the levying, collecting and paying into the State Treasury of other State taxes, a special tax to be known as the State Road Tax. The State Road Fund shall be set apart in the Treasury of the State to the credit of the State

Road Fund to be disbursed and conditioned as is now or may hereafter be prescribed by law for the disbursement of the State Road Fund for the permanent improvement of public roads of the State in co-operation with the counties. The State road taxes on all real, personal, franchises, and all intangible property not exempt from taxation shall be for the year nineteen hundred and thirteen and every year thereafter five cents on every one hundrd dollars valuation threof.

§ 8. The money hereby set apart in the State Treasury to the credit of the State Road Fund shall be apportioned among the several counties applying for State aid in the manner hereinafter provided, and the amount so proportioned shall be based upon the amount of taxes levied and collected therein for the building, repair and improvement of public roads, and including the taxes collected from year to year to pay the interest on or create a sinking fund for any bonded indebtedness, which may hereafter be created by any county to construct or reconstruct public roads, until such county shall have received from the State Road Fund an amount equal to one-third of the moneys appropriated for building roads by said county whether the sum thus appropriated by from the sale of bonds, or from direct taxation. Provided, that said sums shall be expended in constructing or reconstructing public roads under the direction of the Commissioner of Public Roads. Provided, however, any funds obtained under this section and used by any county in repairing or maintaining public roads now in existence may be expended by the Fiscal Court without the consent of the Commissioner of Public Roads.

It is further provided that any county voting bonds and expending the proceeds of the same in building or maintaining public roads under the direction of the Commissioner of

Public Roads may, in case the amount thus expended exceeds the proportional amount said county may be able to secure from the State Road Fund, then in that event, said county shall be entitled to receive from the State Road Fund in subsequent years, such further amounts as will make the total amount received from said fund equal to one-third of the moneys expended by said county under the direction of the State Commissioner of Public Roads. Provided, that the said county shall expend said funds thus secured in constructing or reconstructing or maintaining public roads. Provided, further, that no one county shall receive in any one year more than two per cent of the amount collected for State Road Fund. The amount of taxes upon which this apportionment is based shall include all district and county road taxes and any tolls levied and collected for the maintenance of any toll roads of the State. Any balance remaining in the State Road Fund after one year's apportionment shall be retained and included in the next year's apportionment.

§ 9. If any county shall not avail itself of the aid from the State apportioned under the provisions of this act, then, and in that case, the amount so apportioned shall remain in the Treasury of the State to the credit of the State Road Fund to be again apportioned among the counties of the State at the next annual apportionment.

§ 10. The Fiscal Court of any county may pass a resolution stating that the public interest demands the improvement or repairing of a public road or section thereof within the county, and requesting that it be constructed or improved or repaired as provided in this act. Such resolution shall contain a description of such public road or section thereof. Such public road or section thereof shall not include any portion of the public road within an incorporated city, town or village, unless it be necessary to com-

plete the connection of such improved road with the public road already improved or to be improved under this act.

The town council or other governing body, the mayor or other chief executive officer respectively of any town, village or other municipality, shall have the power and shall perform all the duties as are in this act required by the County Court of the county and the sheriff of the county, respectively.

Any of said municipalities may raise by taxation funds to pay the cost of construction of any road or roads or may issue bonds for the payment of the same in the manner prescribed by law, it being the expressed intention of this section to confer upon towns and villages or other municipalities full power to improve any road or section of road under the provisions of this act, all proceedings conforming as nearly as possible to the provisions of this act.

Any such road or section of road so constructed by any town or village or other municipality other than the county shall be exclusively under the jurisdiction of such town, village or other municipality, and shall be repaired and maintained by such municipality.

§ 11. When more roads are petitioned for in any county than can be constructed in any one year, the Fiscal Court of the county, with the consent of the State Commissioner of Public Roads, shall have power and authority to select from the roads petitioned for the ones first to be constructed, having due regard to the most important roads and the distribution of the benefits of this act to all parts of the county.

§ 12. The term "improvement" as used in this act shall mean any work whether engineering or construction

work or maintenance, which is done according to plans agreed upon by the State Commissioner of Public Roads and the Fiscal Court, and which tends toward and has for its ultimate object the permanent location and improvement of any public road or section thereof within the county by the construction of macadamized road or telford or other stone road or road constructed of gravel or other similar materials, or a road constructed of asphaltum, brick or other paving materials, in such manner tha the same, of whatever material constructed, shall, with reasonable repairs thereto at all seasons of the year, be firm, smooth and convenient for travel.

§ 13. The said Fiscal Court after the passage of the resolution shall, if it be construction work, cause a survey of said road so to be improved to be made, and plans, cross-sections and specifications of the work to be done on the same, to be prepared. The survey shall indicate the width and length of said road, and shall also show how much of said road may be improved by deviation from the existing lines. When the said plans, cross-sections and specifications shall have been prepared, they shall be submitted to the Fiscal Court of the county, together with an estimate of the cost of the work, for its approval or rejection. If such court shall approve the same, they shall then be submitted to the State Commissioner of ùblic Roads for his approval or rejection, and it shall be his duty, before approving said plans, cross-sections and specifications, to ascertain by personal inspection or otherwise the natural character of the soil upon which such road is proposed to be constructed, and any and all other facts that he may deem important.

If, after examination of the plans, cross-sections and specifications and an inspection of the road, as aforesaid, he shall be satisfied as to the advisability of the improvement

of the road as contemplated, and that one-third of the cost of the construction of said road, together with one-third of the cost of construction of all other roads or sections of roads in the State, under plans and specifications previously approved by him, will not in any one fiscal year exceed the sum set apart in the Treasury of the State to the credit of the State Road Fund, and advisable for the county according to the provisions of this act, or such other sum as may in any year be appropriated for that purpose, then he shall approve the said plans, cross-sections and specifications; otherwise, he shall reject the same.

§ 14. Within thirty days after the approval of the plans, cross-sections and specifications by the State Commissioner of Public Roads, it shall be the duty of the County Road Engineer of the county to advertise for bids for said work in at least one paper of general circulation, published or circulated in said county, for two weeks successively at least once in each week. This advertisement shall state the place where bidders may examine said plans, cross-sections and specifications and the time and place where bids for the said work will be received by the Fiscal Court. Each bidder must accompany his bid with a bond or certified check, payable to the sheriff of the county, for a reasonable sum, as a guarantee that if the said work is awarded to him he will enter into a contract with said Fiscal Court for the same. The contract let by the Fiscal Court must be executed with a bond to the successful bidder, in a sum of at least the estimated cost of said work with two or more sureties, free holders of the county, or a surety or trust company authorized to transact business within this State, to be approved by the County Court conditioned upon the faithful performance of said work in strict conformity with the plans, cross-sections and specifications for the same. The contract, before any work is done thereunder, must be exhibited to

the State Commissioner of Public Roads for his approval in writing thereon, and said Commissioner of Public Roads is hereby authorized, whenever in his judgment the best interests of the State require him to do so, reject the same; in which case he shall write upon the said contract the word "Rejected," and append thereto his signature and official title of office, and the said contract and the bond required to accompany the same shall from the time of such rejection be absolutely null and void; but such rejection shall in no wise operate to prevent said court from readvertising for bids as herein set forth, and proceeding thenceforth under the provisions of this act, provided it is done in four months after such rejection.

§ 15. The time and manner of payment for work done under any contract awarded under this act shall be set forth in said contract, and at least five per centum of the contract price shall not be paid to the contractor until after the expiration of one year from the completion of the work and acceptance thereof in writing by the Commissioner of Public Roads.

§ 16. A true copy of all specifications, bids, contract, bonds and approval of surety, certified to be such by the judge of the County Court, shall immediately after the award of any contract be furnished by the said court to the State Commissioner of Public Roads to be filed and remain a record in the office of said Commissioner.

§ 17. Immediately after the awarding of said contract under the provisions of this act, the State Commissioner of Public Roads shall appoint a competent inspector to inspect the work required to be performed under said contract, who shall receive for his services while actually engaged at work, if not otherwise paid, the sum of three dollars per

day, to be paid out of the sum apportioned to said county for the one-third of the cost, as all roads constructed under this act. Such inspector, before assuming the duties of his office, shall make and subscribe to an oath or affirmation before any officer authorized to administer the same, that he will faithfully and to the best of his ability and understanding, perform all the duties of his office. The State Commissioner of Public Roads may, however, summarily discharge any inspector and may employ a new inspector in the place of the one so discharged.

§ 18. Where any contract provides for partial payment based upon the amount of work done, it shall be the duty of the inspector as each payment becomes due, to present to the Fiscal Court a certificate signed by such inspector and the county engineer, in which certificate shall be be stated as nearly as can be the amount of work done for which payment is to be made, and that the same has been done in all respects in strict compliance with the contract, plans and specifications. When the work under contract shall have been fully completed, the inspector and county engineer shall prepare a detailed and itemized statement in quadruplicate of the cost of the improvement certifying the same, one copy of which shall be filed with the County Court of the county, one with the County Road Engineer and two with the State Commissioner of Public Roads.

All payments due to any contractor or contractors or others under the provisions of this section, shall, when certified to by the inspector and the County Road Engineer, be presented to the County Court, and if found to be correct shall, upon the order or warrant of said court, signed by the judge thereof, be paid by the County Treasurer.

§ 19. If the work agreed upon by the County Court of the county and the State Commissioner of Public Roads shall, in any case, be only surveys of public roads and the making of maps of the same for the purpose of indicating the necessary changes to be made therein according to some definite plan for an extended system of permanent improvements of the public roads as indicated in Section 10 of this act, then it shall not be necessary for the county clerk of the county to advertise for bids and let to contract as provided in this act for the permanent improvement of the public roads, but such work shall be done in co-operation with the County Road Engineer and the State Commissioner of Public Roads and according to the plans and general direction of the Commissioners, and for the purpose the State Commissioner of Public Roads may employ other persons to assist him in his work; and the total expense incurred thereby shall be borne in the same proportion by the district, the county and the State as is provided in this act for the payment of the total cost of permanent improvement of the public roads by State aid.

§ 20. The County Road Engineer shall keep an itemized account of the work done, and he shall make monthly statements thereof in quadruplicate, setting forth the name of each person so employed, the compensation per day and each item of expense, together with the late thereof, which statement of account shall be signed and sworn to by the Road Engineer, one copy of which shall be retained by him and one copy shall be filed with the County Court; and the two other copies shall be sent to the State Commissioner of Public Roads, and if found correct, shall be paid in the same manner as is prescribed in this act, for the payment of contract work for the permanent improvement of the public roads.

§ 21. One-third of the cost of all roads built under the provisions of this act shall be paid out of the moneys set apart in the Treasury of the State to the credit of the State Road Fund, and not otherwise appropriated. It is the purpose of this act that the State shall pay one-third and the county two-thirds of the cost of all construction, improvement or repair of all roads in which State funds are used. But no portion of the cost of acquiring any necessary land or right of way, nor any part of any damages incurred, awarded or paid shall be paid out of the money contributed by the State.

§ 22. The State Commissioner of Public Roads shall certify from time to time to the State Auditor, when a road is completed to the satisfaction of the Commissioner of Public Roads, the amount to be paid the county, and the State Auditor shall draw his warrant for the amount so certified on the State Treasurer in favor of the treasurer of the county, and the State Treasurer shall thereupon pay the same to the treasurer, who shall be the custodian thereof and shall be accountable therefor to the County Court of the county.

§ 23. Any road constructed under the provisions of this act and after the plans and specifications and contract have been approved by the State Commissioner of Public Roads, if it is deemed advisable by the Fiscal Court of the county and the State Commissioner of Public Roads to change the plans, if it costs less than the original contract, the difference between the cost and the amount of the original contract shall be deducted from the original contract. If the cost be more than the original contract the difference shall be added. All changes in plans and specifications shall have the approval of the County Court of the county, and

the County Engineer, the State Commissioner of Public Roads and the contractor.

If there is not a sufficient sum of money in the county treasury available for such purpose to provide for the payment of the county share of the additional costs, the Fiscal Court may include such deficiency in the annual tax levy which shall be assessed, collected and paid over into the county treasury as other county taxes are assessed, collected and paid over. If there is not sufficient sum of money in the State Treasury apportioned to said county under the provisions of this act for the payment of the State's share of the additional cost, the State Commissioner of Public Roads may allow the same from the next annual apportionment, but in no case to exceed one thousand dollars to any one county in any one year.

§ 24. Any road constructed under the provisions of this act shall forever hereafter be a county road, and the duty of keeping the same in repair devolves upon the Fiscal Court of the county, to be maintained out of the general county fund and State fund as provided by law, and all other powers and duties respecting such road shall be imposed upon and vested in the said Fiscal Court. Provided, however, that nothing in this act shall divest the municipal authorities of any town or village of their power to construct, grade, curb, pave or repair the sidewalks along said county roads, nor shall this power of said governing bodies divest the Fiscal Court of their rights to construct across or under the sidewalks necessary culverts or otherwise provide for the maintenance of such county roads.

§ 25. If any such road by the failure or neglect of the county, shall be out of repair and shall not be repaired within sixty days after notice in writing so to do, given by the

State Commissioner of Public Roads to the Fiscal Court of the county, or the County Court Clerk, the said Commissioner of Public Roads shall certify such refusal or neglect to the State Auditor, who shall withhold payment to such county of all moneys apportioned or that may hereafter be apportioned to such county by the State, and no payment shall be made to said county until the State Commissioner of Public Roads shall certify to the State Auditor that said road has been placed in a good state of repair.

§ 26. The Fiscal Court of any county receiving State aid shall appropriate its proportion of money necessary to keep in good repair and free from obstructions any and all roads in its boundaries now properly constructed and in good repair and all roads constructed under this act. The cost of all repairs and removal of obstructions shall be paid by the treasurer of the county upon the order of the County Court signed by the judge thereof; and all bills for repairs or for removal of obstructions shall be verified by affidavit, and shall be certified to be correct by the County Road Engineer.

§ 27. If owners of property abutting on any public road in any county which has not been improved, or is not undergoing improvement, desire said road or any section thereof to be improved and shall certify in writing to the County Court of the county that they are willing to bear the entire expenses of such improvements, the County Road Engineer shall prepare plans, cross-sections and specifications for the work to be done on such road or any section thereof so to be improved and shall submit the same to the owners, and if satisfactory to such owners, they are hereby authorized to enter into contract for such work, said contract to be first submitted to the County Court, and upon the submission to said court of proper receipts showing full

payment of all work done, the said County Court may by order declare that said road or any portion thereof, may thereafter be a county road.

§ 28. Whenever any public road is sought to be improved under the provisions of this act, upon which road any land or real estate owned by the State of Kentucky may front or border, the board of managers or other body having control and management of said lands and real estate are hereby authorized to consent to the improvement of said road and to enter into contract for the same in the manner directed by said section, and to pay for said improvements out of the money appropriated to said board of managers or other governing body for that purpose.

§ 29. It is hereby provided that a common carrier shall not charge to exceed two mills per ton per mile for the transportation of any material to be used in building public roads.

§ 30. The provision of this act shall extend to the improvements of any road or section of road constituting a boundary line between two counties, whenever an agreement therefor shall be adopted by the county courts of both counties.

§ 31. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Paxton offered an amendment to said bill by way of substitute therefor.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created and established a division of the State Government, to be known as the Department of Public Roads, which shall be constituted as provided in this act, and the Commissioner of Public Roads shall have the power to perform the duties hereinafter prescribed.

Section 2. The chief officer of this said division shall be denominated the Commissioner of Public Roads. He shall be provided with an office at the State Capitol, and shall personally superintend the duties thereof. On or before the first day of July, 1912, and every four years thereafter, the Governor shall appoint a State Commissioner of Public Roads, who shall hold his office for four years, unless sooner removed by the Governor for cause, or until his successor is duly appointed and qualified. The Commissioner of Public Roads shall be a graduate of civil engineering from some reputable university or technical college, and shall have had at least five years experience in civil engineering, and shall not be less than twenty-five years of age.

The Commissioner shall, within fifteen days from the time of notice of his appointment, take and subscribe to the oath of office to well and truly perform the duties thereof, and such oath shall be certified to by the person who administers the same, and shall be filed in the office of the Secretary of State. He shall receive a salary of three thousand dollars, annually.

The Commissioner of Public Roads is hereby empowered to employ such additional engineering assistants or clerks or stenographers as the Governor may approve of, in order to perform the duties required to make the service efficient.

The Commissioner of Public Roads and the employees of his office shall be repaid their actual necessary expenses while traveling on official-business, but the total sum paid for traveling expenses during one year shall not exceed five thousand dollars. The salaries of the Commissioner and others employed by the authority of this act, and all traveling expenses authorized by this act, and the furnishings and contingent expenses of the office shall be paid upon warrant of the Auditor of the State, in the manner as the other State officials and employees are paid. All salaries and expenses of this division shall be charged to the State Road Fund as hereinafter provided for, and shall not exceed twenty-five thousand dollars, annually.

The State Commissioner of Public Roads may from time to time, with the approval of the Governor, cause to be printed and distributed throughout the State, bulletins containing useful information concerning the construction and maintenance of public roads and bridges. The printing to be done by the Public Printer at the expense of the State.

He shall make a biennial report to the Governor and the Legislature on or before the first day of December of each biennial period, and special reports at such other times as may be required by the Legislature and the Governor. The biennial report shall contain the names and compensation of each and every person that has been employed by the office and the time employed, and the whole amount of the expenses of the Department during the interims not previously reported. The report shall give all information gathered by the Commissioner of Public Roads and his assistants, and State assistance rendered in an advisory capacity, amount of money received and expended during biennial period, and also such matter as should be brought to the attention of the Legislature, together with recommenda-

tions as to the measures in relation to public roads as the public interests require.

The Commissioner of Public Roads shall have printed a sufficient number of these reports to provide one for each County Road Engineer, and for any other road officials within the State, and enough to satisfy the demand that the public weal may warrant.

Section 3. The Commissioner of Public Roads shall on request of any County or Fiscal Court, recommend rules and regulations not inconsistent with law, fixing the duties of the County Road Engineers and their employees in respect to all public roads and bridges composing the public road system of the State, and determining the method of construction, instruct and advise with the County Road Engineers and their employees in establishing grades and in preparing suitable systems of drainage and to advise with them as to the construction, improvement and maintenance of public roads and bridges; cause plans, specifications and estimates to be prepared for the repair and improvement of public roads and the construction and repair of bridges, and when requested, advise upon the various methods of road construction adapted to different sections of the State, and as to the best methods of construction and maintenance of public roads throughout the State, and to collect such information thereto as he shall deem expedient; cause meetings to be held in each county for the purpose of furnishing general information and instruction upon the maintenance of public roads and bridges, and the application of the road laws and rules of the department. He shall notify the County Engineer of any county of his intention to hold such meetings; specify the date and place thereof; aid at all times in promoting public road improvements throughout

the State; and perform such other duties in respect to public roads and bridges as may be imposed upon him by law.

The license tax on automobiles and motor-driven vehicles which has heretofore accrued, or may hereafter accrue, shall be deposited to the credit of the State Road Fund with the State Treasurer, and shall constitute a State Roads Fund, and shall be applied as heretofore and hereinafter set out in this act.

The Governor may, at such times as he may deem expedient, cause an examination of all accounts and records kept and moneys expended. The expense to be charged to the State Road Fund.

Section 4. Nothing in this act shall be construed or held to give or shall give the State Commissioner of Public Roads any power or control over any road constructed or maintained solely by money or labor, provided or furnished by any county in which said road may be located, other than in an advisory capacity.

Section 5. To provide means whereby the State of Kentucky may aid the counties of the State in surveying and making maps of the public roads located therein, for locating new roads, for relocating roads already established as public roads.

Section 6. The State Road Fund may be supplemented at any time by gifts from private citizens or from any other source.

Section 7. The total expense of the division of public roads of the department shall not exceed in any one year

the surplus and income of the State Road Fund, as deposited with the Treasurer hereinbefore provided for.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title and passed as amended by said substitute.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Elkanah Dickey	W. E. King
Robert H. Akin	Francis B. Douglas	William J. Kuh
Eugene G. Asher	Ben F. Egleston	J. Albert Leach
P. L. Atherton	Eli F'armer	F. A. Lochry
George Baker	John M. Farra	Emanuel Meyer
J. M. Bean	S. Walton Forgy	Harry J. Meyers
E. Bishop	John F. Fryer	S. F. Middleton
H. C. Blades	Allie T. Gaines	Charles D. McCrea
John F. Brewer	D. Clarence Gray	W. N. McCubbin
Hiram Brown	Joe Hall	C. B. Nichols
Wallace Brown	Elwood Hamilton	Luther C. Owings
Wm. L. Bowling	V. D. Hammond	J. R. Paxton
C. W. Burton	A. B. Hatton	William A. Perry
G. E. Carroll	L. B. Herrington	W. V. Perry
George P. Chinn	A. B. Holland	John A. Polin
W. Frank Cole	James K. Howell	W. A. Price
Sidney J. Collins	Earl C. Huntsman	Stanley F. Reed
W. L. Craig	John G. Kelley	S. H. Rogers

Robt. H. Scott	John G. Stoll	Yeaman Watkins
W. A. Shawler	C. B. Thompson	J. H. Williams
W. Scott Smith	D. B. Thurman	R. S. Wilson
A. H. Stamper	Louis B. Tieman	Charles Yancy

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Those who voted in the negative were—

G. L. Drury	R. Dillard Hunter	W. F. Parker
J. H. Elder	W. J. Jackson	Walter S. Sinclair
T. J. Gregory	James A. Leach	E. B. Thompson
John W. Holland	B. J. Matthews	David W. Wiley

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Resolved, that the title of said bill be as follows, viz.:

An act to create and establish a Department of Public Roads and creating the office of State Commissioner of Public Roads and prescribing the duties and compensation therefor, and also creating a fund in the Treasury of the State to be known as the State Road Fund and providing and regulating the disbursement thereof.

Mr. Robertson moved that the rules be suspended and that the House do now take up for consideration a bill entitled,

H. B. 70. An act to regulate by a Public Utilities Commission, telephone, telegraph and express companies.

Together with amendment offered by the Committee on Public Utilities by way of substitute therefor.

Mr. Thurman moved that said motion be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Robertson and E. B. Thompson, were as follows, viz.:

Those who voted in the affirmative were--

Robert H. Akin
Eli Berry
E. Bishop
Wallace Brown
George P. Chinn
Elkanah Dickey
Francis B. Douglas
John M. Farra
John F. Fryer
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
James R. Howell
R. Dillard Hunter
John G. Kelley
S. F. Middleton
Ben E. Niles
Luther C. Owings
W. V. Perry
S. H. Rogers
C. B. Thompson
D. B. Thurman
Louis B. Tieman
B. S. Wilson
Charles Yancy

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Those who voted in the negative were—

William Ahl
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
A. V. Bertram
Thos. M. Bertram
H. C. Blades
John F. Brewer
Hiram Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
S. Walton Forgy
Allie T. Gaines
L. B. Herrington
John W. Holland
Earl C. Huntsman
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
W. F. Parker
J. R. Paxton
William A. Perry
W. A. Price
Stanley F. Reed
S. L. Robertson
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
E. B. Thompson
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams

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Said bill read as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be created a Public Utilities Commission to supervise and regulate telephone, telegraph and express companies with such powers of control and regulation over same as may be given to or possessed by the State Railroad Commission with reference to the regulation and control of railroad companies.

§ 2. Be it enacted that the membership of said Public Utilities Comission be the same as that composing the Railroad Commission and the duties of said office be performed by the members of the said commission.

§ 3. Be it enacted that there be appointed by the said Public Utilities Commission one clerk who shall receive for his services the sum of $125.00 per month.

The substitute as offered by the Committee reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a Public Utilities Commission as a department of the State Government, which shall consist of three Commissioners to be appointed by the Governor, who shall have power to remove any of said Commissioners for cause stated in writing for inefficiency, neglect or failure to perform the duties of such Commissioners required by law, who shall hold office for a period of four years and until their successors are appointed and shall have quali-

fied. They shall have power to administer oaths and two of their number shall constitute a quorum for the transaction of business.

§ 2. Said Commissioners shall be appointed one each from the railroad districts of the State, as now constituted, and shall possess the same qualifications as required for election to and qualification as Representatives in the lower House and Congress of the United States. And they shall have provided for them suitable offices at the seat of government.

Each of said Commissioners shall, before entering upon the discharge of the duties of his office, take an oath to faithfully discharge the duties thereof, and shall annually execute a bond in the sum of fifteen thousand dollars each for the faithful discharge of their duties under this act. Said bond shall be approved by the Auditor and filed in his office as part of the records thereof. The reasonable cost of the premium thereof, if executed by a guaranty company, shall be paid by the State in the same manner as it authorized for the payment of other expenses incurred by the Commission.

§ 3. The Commission shall have the power to appoint a Secretary, who shall receive an annual salary not to exceed $150.00 per month, who in addition to his duties as Secretary, shall also be a stenographer and take care of and perform the stenographic requirements of the Commission.

Each Commissioner shall receive a monthly salary of $200.00, payable monthly out of the State Treasury, except that member which the Commission shall elect as its chairman, who shall receive $225.00 payable monthly.

The members of the Commission and the Secretary shall each receive the actual traveling expenses while engaged in the discharge of their duties. Before any expenses so incurred by the said Commission, or Secretary, are paid, an itemized statement of said expenses signed by the members of the Commission shall be filed with the Auditor and approved by the Governor, which statement must be filed before any warrant can be issued therefor.

The Commission may, by and with the advice and consent of the Governor, employ an expert in the matter of rate-making, to be paid by the State not exceeding $10.00 per day, to assist them in carrying out the purposes of this act. The contract for said service should be made in writing, first approved by the Governor and shall be limited to such time of employment as is actually necessary in fixing the rate on any one public service corporation within the provisions of this act.

§ 4. It shall be the duty of said Commission to supervise and regulate the charges of all telephone, telegraph and express companies doing business in the State of Kentucky, and each and every such company shall on or before September 1st of each year make and transmit to the Commission at its office in Frankfort, under the oath of its President, or manager, a full and accurate statement of the affairs of such company as existed on the first day of the preceding July and may require it to include, under oath, a statement of its paid up capital stock, net or gross earnings, amount of its assets and liabilities, the true value of its poles, wires, of its apparatus pertainng to the conduct of its business; or any other information that said Commission may require said companies to furnish to it in connection with its business, as may be necessary for said Commission to carry out the provisions of this act; and it shall be the duty of the

Commission to furnish to the company in proper time blanks upton which to insert the foregoing and such other questions as may be propounded.

§ 5. Before said Commission shall establish or fix any rate, it shall give the company affected thereby, ten days notice in writing and fix a time for said company to be heard upon the reasonableness of the said rates before said rates shall be fixed; and said company shall have the right to produce evidence before said Commission affecting the reasonableness or unreasonableness of said rates, and said Commission shall have power to summon witnesses and hear same in the fixing of said rates. The number of witnesses and character of evidence to be controlled and regulated by said Commission.

§ 6. Said Commission is clothed with authority, whenever in their judgment the reasonable convenience of the patrons of any company is not served, to suggest certain improvements and institute such legal proceedings as are necessary to promote such improvements.

§ 7. Said Commission shall have the power and it shall be its duty to hear and determine compiaints of parties aggrieved; such complaints shall be submitted in writing and shall give the company complained of not less than ten days notice of the time and place of the hearing of same. All evidence shall be reduced to writing; whereupon the said Commission shall render such award, as it may be best and proper. If the award of the Commission be not satisfied within ten days after it has been rendered, the chairman shall file a copy of said award and the evidence thereof in the office of the Clerk of the Circuit Court in the county, which under the Code of Practice, would have jurisdiction of such controversy, and the clerk of said court shall enter

the same on the docket for trial and summons shall be issued as in other cases against the party and the award shall be rendered, requiring said party to appear in said court in the time allowed in ordinary cases and show cause why said award should not be satisfied. In the failure of the party to appear, judgment shall be rendered by default and the same proceedings ensue as in other ordinary cases, in which the same amount is involved, except that no evidence shall be introduced by any party, except that heard by the Commission, and except further such as the court shall have specified where sworn testimony could not have been produced before the Commission by the exercise of reasonable diligence. The judgment on the proceedings therein shall be the same as in other ordinary cases.

§ 8. Said Commission shall keep a full and complete record of its meetings and acts in all matters coming before it for hearing and adjudication, and annually on or before the first day of January, make to the Governor a full and detailed report of all its work, including a detailed report of its findings on each complaint.

§ 9. No person shall be appointed Commissioner who, directly or indirectly, is connected with or financially interested in, or the holder of capital stock or bonds of any company against whom a complaint under this law might be filed with the Commission.

§ 10. The Commission is vested with jurisdiction and power to determine when and what telephone and telegraph lines shall connect and the terms on which they shall connect, receive and transmit messages and when it shall so determine, the same shall be certified to the company required to so connect, receive or transmit messages over the connecting line or lines and said order of the Commission shall be

complied with and performed by the said companies within thirty days of the time of the notice given them therefor.

Upon the failure of any company to comply with the requirements of the Commission, such company shall be liable to forfeiture of its charter or rights to do business in Kentucky and be subject to a fine not exceeding $500.00 per day for each and every day for a period of thirty days, one or both as the Commission may be proper. Said fine shall be recoverable by action in the name of the Commonwealth, filed in the Franklin Circuit Court, or in any county in which such failure and such offense shall be committed.

§ 11. Each officer, agent or employe of any company required by this act to make a report to the Commission upon failing to do so within the time prescribed, or who shall fail or refuse to answer fully under oath, any questions propounded by the Commission, shall be fined for each offense not less than $100.00 nor more than $1,000.00, and it shall be the duty of the Commission to prosecute the person so offending in the Franklin Circuit Court or any other Circuit Court that shall have jurisdiction, and it shall be the duty of the Commonwealth's Attorney of the respective districts to prosecute all indictments and actions and proceedings arising under this law.

It shall be the duty of the Commission to determine, based on its assessed valuation, what proportion of fees each company shall bear and pay to the State Treasury as its part and share for the support of said Commission.

§ 12. It shall be the duty of the Commission to assess for taxation for State, county and municipal purposes, all the property, real, personal and mixed, tangible or intangible, and the rights and franchises of all such companies as

are specified to be within its jurisdiction, and shall certify on or before the first day of January of each year said assets to the officer or officers whose duties it is to collect the taxes for the said purposes, in every such county and municipality where they may be due from such companies.

§ 13. No member of the Commission, nor the Secretary thereof, shall directly or indirectly accept or receive any present or gratuity of any kind from any company over which this Commission has jurisdiction, and any company who shall give or offer to give to said Commission, or any of its members or employes, any present or gratuities shall subject such companies, the Commissioner or Commissioners to a fine of not less than $500.00, nor more than $2,500.00, to be recovered by indictment as other penalties for violation of laws.

§ 14. The Commission shall have an official seal with suitable designs, as the Commission may prescribe the words engraved thereon "Public Utilities Commission of Kentucky," for authentication of its proceedings and of which the court shall take jurisdiction.

§ 15. The cost of maintaining the Commission hereby created and of meeting all the expenses incurred by it in the discharge of its duties shall be borne and paid by those companies subject to its jurisdiction in proportion to the assessed value of their taxable property. The Commission shall annually during the month of May declare a budget of the entire expenses of its administration for the ensuing fiscal year, which shall be declared as of July 1st, and the Commission shall thereafter, or not later than June 1st, notify by mail each separate company the amount due by it under this assessment for the purpose of maintaining the Commission, and thereupon every company shall transmit

to the chairman of the Commission the stated amount, which received, it shall be the duty of the Commission to cover into the hands of the State Treasurer. The Commission shall keep a detailed and accurate record of the amounts so collected.

§ 17. Any company failing to pay on or before July 1st following the receipt of said notice shall be subject to a fine not exceeding $500.00 per day for each day of its delinquency, and such fine shall be recoverable by action in the name of the Commonwealth brought in the Franklin Circuit Court or in the Circuit Court of the county in which the delinquent's office or place of business is located.

§ 18. The Commission in making the assessment for the purpose of maintaining itself for the succeeding year under this act, shall determine whether there was any surplus or deficit under the assessment of the previous year, and it shall take this fact into consideration in making its assessments for the following year.

§ 19. All acts and parts of acts in conflict herewith are hereby repealed.

The substitute heretofore offered by Mr. W. V. Perry is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A Commission is hereby created to be known as the "Public Service and Utility Taxing and Rate Commission," to consist of three Commissioners who shall be appointed by the Governor, as soon as this law shall become effective, for a term of four years, from the date of their ap-

pointment, and until their successors are appointed and qualified. Their successors shall thereafter be appointed by the Governor for a like term every four years. If a vacancy shall occur from any cause, in said Commission, the Governor shall fill the same by appointment for the unexpired term. The Governor shall have power to remove any one or more of said Commissioners for neglect of duty, inefficiency, malfeasance or inability to discharge the duties of said office after reasonable notice and hearing. The said Commissioners shall devote their entire time to the duties of their said offices and shall not, during their term of office, hold any other position or office of trust or profit under pain of removal by the Governor. The appointments of said Commissioners must be approved by the Senate at the first sesion of the General Assembly after such appointments shall be made.

§ 2. No person shall be eligible to hold the office of Commissioner unless he shall be thirty years of age and shall have been a citizen of Kentucky for four years. Before entering upon the execution of his duties, each Commissioner shall be sworn to faithfully discharge the duties of his office. Said Commissioners shall receive an annual salary of $5,000.00 each, to be paid in monthly installments, as the salaries of other State officials are now paid.

§ 3. The office of said Commission shall be kept in the Seat of Government, and the Capitol Commission shall assign suitable rooms to it, and all necessary furniture, office supplies and stationery shall be purchased by, and supplid to said Commission, by the Superintendent of Public Printing, and the bills therefor when approved by the said Commission and Governor, shall be paid by the State, and for that purpose the Auditor is directed to draw his warrant on the Treasurer.

§ 4. Within twenty days after their appointment and qualification, the said Commissioners shall assemble and enter upon the discharge of their duties. The said Commission shall have authority to assess for taxation the franchises and tangible property of all public service corporations and to enquire into the reasonableness of the rates charged by telegraph and telephone companies for the transmission of messages and the rates of express companies charged for the transportation of parcels and property of any description, and if either or any of said rates are found unreasonable or extortionate to reduce and change same so that the rates shall be reasonable and fair.

§ 5. The Commission shall be convened and remain in session at all times when required for the despatch of public business, except Sundays and legal holidays. All sessions for hearing evidence and arguments on matters before the Commission, shall be open to the public and may be adjourned as the Commission may determine. All the proceedings and findings of the Commission shall be shown by its record, which shall be a public record, and all questions before the Commission shall be determined by the majority thereof, and the vote of each member shall be recorded on the record of proceedings as cast.

§ 6. Before entering upon the duties of his office, each of said Commissioners shall take and subscribe the constitutional oath of office, and shall swear or affirm that he holds no other office of profit or any position under any committee of a political party; which oath or affirmation shall be filed in the office of the Governor.

§ 7. The Commission shall have an official seal with the words, "Public Service Taxing and Rate Commission of Kentucky," and such design as the Commission may pre-

scribe, engraved thereon, by which it shall authenticate its proceedings, and of which the courts shall take judicial notice.

§ 8. The Commission shall keep its office in the city of Frankfort, Kentucky, and shall have provided for it suitable rooms, necessary offices, furniture, supplies, books, periodicals and maps.

All necessary expenses for the said supplies shall be certified to the Auditor and paid as other expenses of the other State offices are audited and paid.

The Commission may hold sessions at any place within the State.

§ 9. The Commission is authorized to employ a Secretary and Stenographer, experts, clerks, accountants, examiners, and other assistants. Such employment and compensation for the same shall be first approved by the Governor. The Commissioners, Secretary, experts, clerks, accountants, stenographers and other assistants as may be employed, shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the Commission. Such expense to be itemized and sworn to by the person who incurred the expense and allowed by the Commission, and paid as other claims are paid on behalf of the Commonwealth.

§ 10. The Commission shall adopt reasonable and proper rules and regulations to govern its proceedings and regulate the mode and manner of the same.

§ 11. To carry out the purpose of this act, the Commission, or any Commissioner, or any person or persons em-

ployed by the Commission for that purpose, shall upon demand, have the right to inspect the books, accounts, records and memoranda of any Public Service Corporation or association, subject to the provisions of this act, and to examine, under oath, any officer, agent, or employe of any such company, corporation, association. And any person, other than one of said Commissioners, who shall make such demand shall produce his authority to make such inspection.

§ 12. The Commission may require, by notice, to be served on such company, corporation, association or the production, within this State, at such time and place as it may designate, any books, accounts, papers or records kept by the same in any office or place within or without the State of Kentucky, or verified copies in lieu thereof, if the Commission shall so direct, in order that an examination thereof may be made by the Commission or under its direction. Any such company, corporation, association failing or refusing to comply with any such order or notice shall for each date it shall so fail or refuse, forfeit and pay into the State treasury, a sum of not less than $50.00 nor more than $500.00.

§ 13. For the purpose of making any investigation with regard to any such company, corporation, or association or public utility commission, shall have the power to appoint, by order in writing, an agent whose duty shall be prescribed in such order.

§ 14. In the discharge of his duties, such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the Commission, and the same powers as a notary public with regard to the taking of depositions; and all powers given by law to a notary public relative to depositions, are hereby given to such agent.

Except in his report to the Commission, or when called on to testify in any court or proceeding, any such agent who shall divulge any information acquired by him in respect to the transactions, property or business of any public utility, while acting or claiming to act under such order, shall be fined not less than $50.00 nor more than $100.00, and shall thereafter be disqualified from acting as such agent or in any other capacity under the appointment or employment of said Commission.

§ 15. The Commission may conduct any number of such investigations contemporaneously and through different agents and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the Commission may be based upon its examination of all testimony and records. The recommendations made by such agent, shall be advisory only and shall not preclude the taking of further testimony, if the Commission so order, nor further investigation.

§ 16. Each company, corporation, association or public utility shall furnish to the Commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all questions submitted by the Commission.

§ 17. Any such company, corporation, association or public utility, receiving from the Commission any blanks with direction to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it shall be unable to answer such questions, it shall in writing give a good and sufficient reason for such failure and the answers to such questions shall be verified under oath by the President, Secretary, Superintendent, or general manager of the same and

returned to the Commission at its office within the period fixed by the Commission.

§ 18. Whenever required by the Commission for the enforcement of this act, every such company, corporation, association or public utility shall deliver to the Commission any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same with an inventory of all of its property in such form as the Commission may direct.

§ 19. Each of the Commissioners, the secretary, and every agent provided for in this act for the purpose, mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In the case of disobedience on the part of any person or persons to comply with any order of the Commission or any commissioner or any subpeona or on the refusal of any witness to testify on any matter, regarding which he may be lawfully interrogated before the Commission, or its agents, authorized as provided in this act, it shall be the duty of the Circuit Court of the county in which the person resides, or a judge thereof, on application of a Commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of subpoena from said court or a refusal to testify therein.

§ 20. Each officr who serves a summons or subpoena shall receive the same fees as a sheriff, and each witness who shall appear before the Commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases. In Circuit Courts, which shall be audited and paid by the State in the manner as other ex-

penses are audited and paid upon the presentation of proper vouchers, approved by the chairman of the committee: Provided, That no witness subpoenaed at the instance of parties other than the Commission, shall be entitled, to compensation from the State for attendance and travel, unless the Commission shall certify that his testimony was material to the matter investigated.

§ 21. The Commission, or any party, may in any investigation cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in Circuits Courts.

§ 22. A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation taken by the stenographer appointed by the Commission, being certified by such stenographer to be a true and correct transcript of all of the testimony on investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation, so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party on payment of the fee thereof, as provided for transcript in Circuit Courts.

§ 23. No person shall be excused from testifying, or from producing accounts, books and papers in any proceedings based upon or growing out of any violation of the provisions of this act, on the ground or for the reason that the testimony or evidence documentary or otherwise required of him, may tend to incriminate him or subject him to penalty or forfeiture, but no person so testifying shall be prosecuted

or subjected tn any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence: Provided, That no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

§ 24. The term, "Commission," when used in this act, means the Public Service and Utility Taxing and Rate Commission. The term, "Commissioner," means one of the members of such Commission.

§ 25. Every railway company or corporation, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace car company, dining car company, sleeping car company, chair car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not alotted by law to natural persons, or performing any public service, shall in addition to the other taxes imposed upon it by law, annually pay a tax on its franchise to the State and a local tax thereon to the county, incorporated city, town or taxing district where its franchise may be exercised, and the Public Service and Utility Taxing and Rate Commission, created by this act, are hereby authorized and empowered to fix the value of said franchise, except as to turnpike companies, which are provided for in section 4095 Carroll's Statutes. The places, or place, where such local taxes are to be paid by other corporations on their franchise and how apportioned, where more than one jurisdiction is entitled to a share of the tax, shall be determined by the Commission under this act.

§ 26. In order to determine the value of the franchises mentioned in the preceding section, every person, joint stock association, or corporation, wherever organized or incorporated, engaged in business in this State, shall annually between the thirteenth day of June and first day of October, make and deliver to the Commission a statement verified by its president, cashier, secretary, treasurer, manager or other chief officer or agent, in such form as such commission may prescribe, showing the following facts:

1. The name and principal place of business of the corporation, company or association.

2. The amount of capital stock, preferred and common, the number of shares of each.

3. The amount of stock paid up—the par and real value thereof.

4. The highest price at which such stock was sold at a bona fide sale within twelve months next before the 30th day of June of the year in which the statement is required to be made.

5. The amount of surplus funds and undivided profits, and the value of all other assets.

6. The total amount of indebtedness as principal.

7. The amount of net and gross earnings, stated separately, or income, including interest on investments, and income from all other sources for twelve months next preceding the 30th day of June of the year in which the statement is required.

8. The amount and kind of tangible property in this State and where situated, assessed or liable to assessment, in this State, and the fair cash value thereof estimated at the price it would bring at a fair voluntary sale.

9. The total amount of bonded indebtedness and of indebtedness not bonded; the gross receipts for the preceding calendar year from any and all sources, and the gross expenditures for the preceding calendar year, giving a detailed statement thereof under each class or head of expenditures.

10. In the case of street, suburban or interurban railroad companies, and railroad companies, such statements shall also give:

(a) The whole length of their lines and the length of so much of their line as is without and is within the State of Kentucky, including branches in and out of the State, which shall include lines and branches of said companies, control and use under lease or otherwise.

(b) The railway track in each county in the State, through which it runs; giving the whole number of miles of roads in the county, including the tracks and its branches and side and second tracks, switches, and turnouts therein, and the true and actual value per mile of such railway in each county, stating the valuation of main track, second or other main tracks, branches, sidings switches and turnouts separately.

(c) Such statement as to character, classes, number, amounts, values, locations, ownership or control and use of rolling stock as the Commission may require.

(d) The depots, station houses, section houses, freight houses, machine and repair shops and machinery therein and all other buildings, structures and appendages connected thereto or used therewith, including tool houses, and the tools usually kept therein, together with telegraph and telephone lines owned or used, and the true and actual value of all buildings and structures, and all such machinery, tools and appendages, includings such telegraph and telephone lines, and the true and actual value thereof in each county in this State in which it is located.

(e) The gross earnings for the year, including earnings from telegraph lines which shall be stated separately, on the whole length of the road, including the branches thereof, in and out of the State, and also such earnings within the State on way freight and passengers.

11. In the case of pipe line, gas, natural gas, water works, and heating or cooling companies, such statement shall also show:

(a) The number of mile of pipe line owned, leased or operated within this State, the size or sizes of the pipe composing such line, and the material of which such pipe is made.

(b) If such pipe line be partly within and partly without this State, the whole number of miles thereof within this State and the whole number of miles without this State, inculding all branches and connecting lines in and out of the State.

(c) The length, size and true and actual value of such pipe line in each county of this State, including in such valuation the main line, branches and connecting lines, and stating the different values of the pipe separately.

(d) Its pumping stations, machine and repair shops and machinery therein, tanks, storage tank and all other buildings, structures and appendages connected or used therewith, including telegraph and telephone lines and wires, and the true and actual value of all such stations, shops, tanks, buildings, structures, machinery and appendages and of such telegraph and telephone lines and the true and actual value thereof in each coounty in this State in which it is located; and the number and value of all tank cars, tanks, barges, boats and barrels.

12. And such other facts and information as the Commission may require in the form of the terms prescribed by it.

§ 27. Where the lines of any such corporation, company or association extend beyond the limits of the State or county the statement shall, in addition to the other facts hereinbefore required, show the length of the entire lines operated, owned, leased or controlled in this State and in each county, incorporated city, town or taxing district and the entire line operated, controlled, leased or owned elsewhere. If the corporation, company or association be organized under the laws of any other State or government, or organized and incorporated in this State, but conducting its business in other States as well as in this State, the statement shall show the following facts in addition to the facts hereinbefore required: The gross and net income or earnings received in this State and out of this State on business done in this State and the entire gross receipts of the corporation, company or association in this State or elsewhere during the twelve months next before the 30th day of June of the year in which the assessment is required to be made.

In case where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchise to be taxed, the said Commission may excuse the officer from answering such question: Provided, That said Commission, from said statement and from such other evidence as it may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock, association, company or corporation, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State or in counties where situated. The remainder thus found shall be the value of its corporate franchise, subject to taxation as aforesaid.

§ 28. If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the Commission shall fix the capital stock in this State by capitalizing the net income derived in this State, or it shall fix the capital stock as herein before provided, and will determine from the amount of the gross receipts of such corporation, company or association in this State, the proportion which the gross receipts in this State, within twelve months next before the 30th day of June of the year in which the assessments were made, bears to the entire gross receipts of the company. The same proportion of the value of the entire capital stock, or the capitalizing of the net earnings in this State, less the assessed value of the tangible property, assessed or liable to assessment in this State, shall be the correct value of the corporate franchise of such corporation, company or association, for taxation in this State.

§ 29. If the corporation organized under the laws of this State or some other State government be a railroad,

telegraph, telephone, express, sleeping, dining, palace, or chair car company, or a corporation performing any other public service, the lines of which extend beyond the limits of this State, the said Commission will fix the value of the capital stock as herein before provided, and that proportion of the capital stock which the length of the lines operated, owned, leased or controlled in this State, bears to the total length of the lines owned, leased or controlled in this State, and elsewhere, shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this State, and such corporate franchise shall be liable to taxation in each county, incorporated city, town or district, through or into which such lines pass or are operated, in the same proportion that the length of the line in such county, city, town or district, bears to the whole length of line in this State, but if any such railroads or corporation organized under the laws of this State, having all of its lines outside of this State, the said Commission shall fix the value of its entire capital stock as herein before provided and apportioned to this State for taxation therein, the proper proportion and not less than one per cent of its said capital stock and the amount so proportioned shall be the value of its tangible property including its corporate franchise, stock, bonds, securities, and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

§ 30. Whenever any person, or association of persons not being a corporation, nor having a capital stock, shall in this State engage in the business of any of the corporations mentioned in the first section of this act, then the capital and property or the certificate or other evidence of the rights or interests of the holders thereof, in the business or capital and property employed therein, shall be deemed and treated as the capital stock of such person, or association of persons,

for the purpose of taxation and all other purposes under this act in like manner as if such person or association of persons were a corporation.

§ 31. It shall be the duty of the Commission, immediately after fixing said value by said Commission, to notify the corporation of the fact, and all such corporations shall have thirty days from the time of receiving the notice to go before said Commission to make a change of the valuation and may introduce evidence, and the chairman of the Commission is hereby authorized to summons and swear witnesses. After hearing such evidence, the Commission may change the valuation as it may deem proper, and the action of the Commission shall be final.

§ 32. The Commission shall, at the expiration of thirty days of the final determination of such values, certify to the county clerk of the counties when any portion of the corporate franchise of any such corporation, company or association shall be liable to local taxation as herein provided, the amount thereof liable for county, city town or district tax, and such certificate shall be by each county clerk filed in his office and be by him certified to the proper collecting officer of the county, city, town or taxing district for collection, and all county, city, municipal, school and other taxes, shall be due and payable thirty days after the notice of the amount of such tax is given by the officer whose duty it is to collect the same.

§ 33. All corporations and other persons who are required to make reports to the Commission under this act shall pay all taxes due the State from them into the treasury at the same time and shall be liable for and pay the same rate of interest and penalties as defaulting individuals, except where otherwise specially provided.

§ 34. Any corporation or officer thereof wilfully failing or refusing to make reports, as required by this act, shall be deemed guilty of a misdemeanor and for each offense shall be fined $1,000 and $50.00 for each day the same is not made after the first of October of each year.

§ 35. The individual stockholders of the corporation, which are by this act required to report and pay taxes on the corporate franchise, shall not be required to list their shares in said company so long as the corporation pays the taxes on its corporate property and franchises, as herein provided.

§ 36. Should any corporation required to make the report as hereinbefore provided be in the hands of or under the control of a receiver or other person, it shall be the duty of the receiver or other person to make the return and valuation as hereinbefore required.

§ 37. Should any corporation fail to make the reports as required herein on or before the first day of October of each year, the said Commission shall proceed to ascertain the facts and values as required by this act in such manner and by such means as it deems proper at the cost of the company failing to make the report and shall fix the value of the corporate franchise liable for taxation aforesaid, and the corporation shall be taxed accordingly.

§ 38. All State taxes assessed against any corporation, company or association under this act shall be due and payable thirty days after the notice of the same has been given said corporation, company or association by the Commission and all county, municipal, school and other taxes shall be due and payable thirty days after notice of the amount of said tax is given by the officer, whose duty it is to collect the same, and every such corporation, company or association failing

to pay its taxes after receiving thirty days notice shall be deemed delinquent and a penalty of ten per cent on the amount of the tax shall attach and thereafter such tax shall bear interest at the rate of ten per cent per annum. Any such corporation, company or association failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor and on conviction shall be fined $50.00 for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction. It shall be the duty of the county clerk to furnish to the Commission on blanks provided by the Commission a statement of the assessed value of the tangible property of all corporations, companies or associations paying franchise or other tax under this act. Any county clerk failing to comply with the requirements of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than twenty dollars, which may be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction.

§ 39. The President or other chief officer of each railroad company or other corporation or association owning or operating a railroad line in whole or in part in this State, and all railroad bridge companies owning or operating a bridge spanning a river constituting the boundary of this State, shall on or before the first day of August each year return to the Commission under oath the total length of said railroad, including the length thereof beyond the limits of the State and designating the length within this State and each county, city, incorporated town and taxing district therein, together with the average value per mile thereof and in the respective counties, cities, incorporated towns and taxing districts therein, together with the average value per mile thereof for the purpose of being operated for the car-

rying of freight and passengers, including engines and cars and a list of the depot grounds and improvements and other real estate of said company and the value thereof, and the respective counties, cities and incorporated towns in which the same are located; that if any of said railroad companies own or operate a railroad or railroads out of this State, the President or chief officer of such company shall only be required to return such proportion of the entire value of all of its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and outside of this State. Said report shall be made as of the first day of July, and a failure to file such report by the first day of August shall subject the President or chief officer residing in this State to a fine of $1,000 and $50.00 for every day after the first day of August that he fails to file said report, to be recovered by indictment or civil action in the Franklin Circuit Court.

§ 40. Should any railroad or bridge, or part of a line of railroad, in this State, be in the hands or under the control of a receiver or other person, by order or decree of court in this or any other State, it shall be the duty of such receiver or other person to make under oath the returns and valuations required by this act, and should the President or chief officer of any railroad company, or such receiver, fail to make said return and valuation on or before the first day of August in each year, the said Commission shall proceed and ascertain the facts and values required by this act to be returned and in such manner and by such means as it may deem best and at the cost of the company failing to make the returns and values.

§ 41. Said Commission is hereby authorized and empowered to examine the books and property of any railroad company, or any other company coming under the provisions

of this act, to ascertain the value of its property for the purpose of taxation or regulation, or have them examined by any other person employed under the provisions of this act.

§ 42. The same rate of taxation for State purposes, which is or may be in any year levied on any other real estate, is hereby levied upon the value so found by said Commission of the railroad, bridge rolling stock and real estate of each company, and the same rate of taxation for the purposes of each city, town, part of a county or taxing district of any kind, in which any portion of railroad or bridge is located, which is or may be, in any year levied on other real estate of said company therein, and of the number of miles of said road, therein, recokoned as of the value of the average of each mile of such railroad, with its rolling stock, as ascertained as aforesaid: Provided, That railroad bridges spanning any river which constitutes the boundary or State line of the Comonwealth, shall be assessed as of the counties in which they are located, and local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located. And immediately after said Commission shall have completed its valuations each year, the Commission shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad or bridge company of the amount of its assessment for taxation for Stae purposes and for the purposes of such city, town, county, part of county and tax district.

§ 43. All State taxes assessed against any railroad or bridge company shall be due and payable thirty days after notice of the assessment given by the Commission, and all counties, city, municipal, school and other taxes shall be due and payable thirty days after notice of the amount of said

tax is given by the officer whose duty it is to collect the same; and every such company failing to pay its taxes after receiving thirty days notice of the amount of such tax shall be deemed delinquent, and a penalty of ten per cent of the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent per annum. Any railroad or bridge company failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined $50.00 for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin Circuit Court shall have jurisdiction.

§ 44. Taxes, penalties and interests due the Commonwealth from any railroad or bridge company may be recovered by the Commission, by action in the name of the Commonwealth in the Franklin Circuit Court; and those due any county, city, incorporated town or taxing district may be recovered by the officer authorized to receive the same, by action in any court of competent jurisdiction.

§ 45. Whoever violates any provisions of this act or neglects or refuses to perform any duty herein required, for which a penalty has not otherwise been provided, or neglects or refuses to obey any lawful requirements or order made by the Commission, for every such violation, failure or refusal shall be fined not less than $25.00, nor more than $1,000, for each offense.

In constructing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any public utility company, corporation or association, acting within the scope of his employment, shall in every case be deemed to be the

act, omission or failure of such public utility company, corporation or association.

§ 46. All powers, duties and privileges imposed and conferred upon the State Board of Valuation and Assessment, as provided in Section 4077 of the Kentucky Statutes, in so far as same conflicts with the powers and acts of this Commission, are hereby repealed, and the powers and acts of said Board of Valuation and Assessment, so far as same apply to corporations, public utility companies or assosiations, subject to the provisions of this act, are conferred upon this Commission, and any power or authority which has heretofore been conferred upon any State, county officer or board, which power and duties are in conflict with the powers and duties of this Commission, is hereby repealed, and such power and authority is hereby conferred upon the Commission by this act. Provided that the powers and duties so transferred and conferred upon this Commission shall not in any wise abolish, repeal or interfere with the State Board of Valuation and Assessment, as now created by law, except wherein it conflicts with the powers of this Commission.

The Commission created under this act is only empowered to assess the franchise and tangible property of all railway companies, associations or corporations engaged in railway business, gas companies, water companies, ferry companies, bridge companies, street railway companies, express companies, electric light companies, electric power companies, telegraph companies, press dispatch companies, telephone companies, palace car companies, dining car companies, sleeping car companies, chair car companies and every other public utility company; and public utility company, as used in this act, is defined to be and embraces each corporation, company, firm, individual and association, their lessees, trustees or receivers, elected or appointed by any

authority whatsoever, in this act referred to as express companies, telephone companies, telegraph companies, sleeping car companies, freight line companies, equipment companies, electric light companies, gas companies, natural gas companies, pipe line companies, water works companies, messenger companies, signal companies, messenger or signal company, union depot companies, water transportation companies, heating companies, cooling companies, street railroad companies, railroad companies, suburban railroad companies, railroad companies and interurban railroad companies, or any plant or property owned or operated or both by any such companies, corporations, individuals or associations.

§ 47. In addition to the other remedies provided by this act for the prevention and punishment of any violation of the provisions herein and all other orders of the Commission, the Commission may compel compliance with the provisions of this act and of the orders of the Commission by procedings in mandamus injunctions or by other appropriate civil remedies.

§ 48. The Commission shall annually on or before the 15th day of December make and deliver to the Governor a full report of the operation and execution of all laws which it is herein required to administer; 1,000 copies of which shall be printed in book form for the use of the General Assembly and the public, and the Commission shall report to the Governor and General Assembly its recommendation of changes and alteration as in its opinion should be made in the tax laws of this State.

§ 49. Each section of this act and every part of each section is hereby declared to be independent sections and parts of sections and the holding of any section or part there-

of to be void or ineffective for any cause, shall not be deemed to affect any other section or part thereof.

§ 50. Every order or notice provided for in this act shall be served upon every person or corporation affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof by registered mail to the person to be affected thereby, or in the case of a corporation to any officer or agent thereof upon whom a summons may be served, within the time specified in the order of the Commission, every person or corporation upon whom it is served, if so required in the order, shall notify the Commission in like manner whether the terms of the order are accepted or obeyed.

§ 51. No injunction shall issue suspending or staying any order of the Commission, except on application to the court, or a judge thereof, and upon notice to the Commission and a hearing.

§ 52. Said Commission shall have supervision of all the telephone, telegraph and express companies doing business in the State of Kentucky, and every such company shall on or before September 1st each year make and transmit to the Commission at its office in Frankfort under the oath of its president or manager, a true and full statement of the affairs of such company as existed on the first day of the preceding July, specifying:

(1). The amount of capital stock paid up and the names of the owners thereof and amounts owned by each, and the residence of each stockholder as far as known.

(2). The amount of its assets and liabilities.

(3). The names and places of residence of its general offices.

(4). The amount of cash paid the Company on account of the original capital stock, or on account of any stock outstanding and the amount of cash paid to the Company on its outstanding bonds or any others that may have been paid or canceled.

(5). The amount of the funded debt.

(6). The amount of floating debt.

(7). The estimated value of its poles, wires, and all the apparatus pertaining to the conduct of its business.

(8). The estimated value of its buildings and real estate.

(9). The estimated value of all other property.

(10. The length of miles of wire.

(11). The mode of classifying subscribers and the fixed charge for each class.

(12). The monthly amount of gross earnings and the monthly gross expenses.

(13). A statement showing the total amount of money derived from the subscribers or patrons of the company, expended in the construction or extension of, or addition to, the company's tangible property, or in acquiring privileges, or franchises or interests, or rights, in other corpoations.

(14). All other expenses incurred in the management of said property including the salaries of its officers, which shall be reported separately.

(15). Said Commission is authorized to require any other additional information which shall be answered by such company in the same manner as those specified in the foregoing section whenever it deems proper, and it shall be the duty of the Commission to furnish to each company in proper time blanks upon which to answer the foregoing and such other questions as may be propounded.

§ 53. The rates, fares and charges demanded from the public by every express company, telephone and telegraph company shall be just and reasonable, and no discrimination shall be made by any such company in favor of any person, firm or corporation, or for or against any locality, and it shall be the duty of such companies to file with the Commission a schedule of all their rates, fares and charges, for all the service they render, and in the event of wishing to change the rates or charges, the same shall not be done or become effective until after such company has notified the Commission in writing, giving their reasons therefor and having received the expressed approval of the Commission.

Said Commission shall have the authority and power to fix and regulate all rates charged by telephone companies in this State to their subscribers on a reasonable basis, for long distance or local, and for single or public lines: Provided, That all rates now in force, control or regulated by ordinance or franchise contracts with municipalities in this Commonwealth, shall continue in force until changed by this Commission.

And said Commission is clothed with the authority whenever in their judgment the reasonable convenience of the pa-

trons of any company is not served, to sugges certain improvements and institute such legal proceedings as are necessary to properly promote such improvements.

§ 54. Said Commission shall have the power, and it shall be its duty to hear and determine complaints of any parties actually aggrieved, and such complaints must be made in writing, and shall give the company complained of not less than ten days' notice of the time and place of the hearing of the same. All evidence shall be reduced to writing and the said Commission shall render such award as is proper. If the award of the Commission be not satisfied within ten days after the same is rendered, the chairman shall file a copy of said award and the evidence thereof in the office of the Clerk of the Circuit Court in the county, which, under the Code of Practice, would have jurisdiction of such controversy, and the Clerk of said county shall enter the same on the docket for trial, and summons shall be issued as in other cases against the party when the award shall have been rendered, requiring said party to appear in court within the time allowed in ordinary cases and show cause why said award shall not be satisfied. In the failure of the party to appear, judgment shall be rendered by default and the same proceedings ensue as in other ordinary cases.

If a trial is demanded, the case shall be tried in all respects as other ordinary cases in which the same amount is involved, except that no evidence shall be introduced by either party, except that heard by the Commission, except such as the court shall have specified by sworn testimony could not have been produced before the Commission by the exercise of reasonable diligence; the judgment of the proceedings thereon shall be the same as in other ordinary cases.

§ 55. Said Commission shall keep a record of its meetings and acts, and annually, on or before the first day of January, make to the Governor a detailed report of all of its cases, and of the complaints filed before it, together with a detailed report of its findings on each complaint, but said Commission shall not be compelled to divulge any information brought before it, if the publication be detrimental to any company against which a complaint has been lodged, unless the public interests requires it.

§ 56. No person shall be appointed Commissioner who, directly or indirectly, is connected with or financially interested in, or the holder of capital stock or bonds of any company against whom a complaint under this law might be filed with the Commission.

§ 57. Said Commission shall have the power to examine under oath any person, director, officer, agent or employe of any company as defined elsewhere in this act who is doing business in this State, concerning the management by these officers, or to obtain any information pursuant to this act; and any person who shall refuse to obey any process or subpoena issued by the Commission, or who, being in attendance, shall refuse to testify, shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine of not less than $50.00 nor more than $100.00, or by imprisonment of not less than ten days nor more than thirty days, or both.

§ 58. The Commission is vested with jurisdiction and power to determine when and what telephone and telegraph lines shall connect, the terms on which they shall connect, and receive and transmit messages, and when the Commission shall determine that such connection must be made and messages received and transmitted, the same shal be certified to

the company required to so connect and receive and transmit messages over the connecting line or lines and said connections shall be made, and messages received and transmitted within thirty days of the time notice shall be given. On the failure of any company within thirty days to comply with the decision of the Commission to so connect and receive and transmit messages as required, such company shall be liable to a forfeiture of its charter or rights to do business in Kentucky, and to be subject to a fine or not exceeding $500.00 per day for each and every day after such period of thirty days. Said fine shall be recoverable by action in the name of the Commonwealth, filed in the Franklin Circuit Court, or in any county in which such failure and such offense shall be committed.

§ 59. Each officer, agent or employe of any company required by this act to make a report to the Commission who shall fail so to do within the time prescribed by the Commission, or who shall fail or refuse to answer fully under oath, if required under oath, any questions propounded by the Commission, or who shall in any way obstruct the Commission in the discharge of its duties, shall be fined for each offense not less than $100.00 nor more than $1,000.00, and it shall be the duty of the Commission to prosecute the persons so offending in the Franklin Circuit Court or any other Circuit Court that shall have jurisdiction, and it shall be the duty of the Commonwealth's Attorney of the respective districts to diligently and promptly prosecute all indictments and actions and proceedings under this law.

§ 60. For any copy of any record on file in the office of the Commission, the same fees that are charged by the Secretary of State for similar service shall be charged and collected by the Commission, and all such fees shall be converted into the treasury of the State.

§ 61. The Commission shall have power to adopt and publish rules to govern its proceedings and regulate the mode and manner of all valuation, assessments, tests, audits, inspections, investigations and hearings and other matters properly within its jurisdiction.

§ 62. Every company against whom a complaint may be filed with this Commission under this act shall file with said Commission when and as required, a copy of any contract, agreement or arrangement in writing with any other such company or corporation or joint stock company or association, partnership or person relating in any way to the construction, maintenance or use of its plant or property, or any service, rate or charge.

§ 63. The Commission, nor any one of them shall directly or indirectly accept or receive any present or gratuity of any kind from any company of which this Commission has jurisdiction, and any such company who shall give or offer to give to said Commission, or to any of its members or employes any presents or gratuities shall subject such company, the Commissioner or Commissioners, and employes so violating to a fine of not less than $1,000.00 nor more than $5,000.00, to be recovered by indictment as other penalties for violations of law.

Said Commission shall have printed and laid before each Legislature within the first ten days of its regular session 500 copies of their reports for the preceding two years pertaining to all matters which in any way relate to their duties and office as will disclose the operations of the companies within the jurisdiction of this Commission.

§ 64. The chairman of the Commission shall annually execute a bond in the penal sum of $25,000.00 per annum,

and the other two members of the Commission shall each execute a similar bond in the penal sum of $15,000.00 for the faithful discharge of their duties under this act. Said bond shall be approved by the Auditor and filed in his office and in the event of any of the above bonds being written by guaranty companies as surety, the cost of the expense of the premiums thereof shall be paid by the State in the same manner as other expenses incurred by the Commission are authorized to be paid.

§ 65. All acts and parts of acts in conflict herewith are hereby repealed.

This act shall take effect from and after its passage and approved by the Governor.

Mr. Hamilton offered the following amendments to said last named substitute, viz.:

Amend Section 2 by striking out $5,000, in line 6 and inserting lieu thereof $3,500. Also amend by striking out "only" in line 18 of Section 46.

Said amendment was disagreed to.

Mr. Hamilton offered the following amendment to said substitute, viz.:

Strike out Section 9 and insert in lieu thereof the following, to-wit:

The Commission is authorized to appoint a Secretary and Stenographer whose salary shall be respectively $1,500 and $1,200. The Commissioner's Secretary and Stenographer shall be entitled to receive from the State their actual and necessary expenses while traveling on the busi-

ness of the Commission, such expense to be itemized and sworn to by the person incurring the same and allowed by the Commissioner and when approved by the Governor shall be paid as other claims by the Commonwealth.

Said amendment was disagreed to.

Mr. Drury offered the following amendment, viz.:

Amend Section 1 by striking out all of said section after the word "be" in line 3 and then by adding after the word "be" the words "the railroad commission of the State of Kentucky."

Amend by striking out Section 2.

Said amendment was disagreed to.

The said substitute as offered by Mr. W. V. Perry was then disagreed to.

The yeas and nays being required thereon by Messrs. Hamilton and Niles were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	A. B. Hatton	Marion F. Pogue
Eli Berry	James R. Howell	S. H. Rogers
Wallace Brown	W. J. Jackson	A. H. Stamper
George P. Chinn	John G. Kelley	C. B. Thompson
Elkanah Dickey	Ben E. Niles	Louis B. Tieman
John M. Farra	Luther C. Owings	B. S. Wilson
Elwood Hamilton	J. R. Paxton	Edward L. Young
V. D. Hammond	W. V. Perry	—23

Those who voted in the negative were—

William Ahl
Eugene G. Asher
P. L. Atherton
George Baker
J. M. Bean
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
W. L. Craig
G. L. Drury
J. H. Elder
Eli Farmer
S. Walton Forgy
D. Clarence Gray
T. J. Gregory
Joe Hall
L. B. Herrington
A. B. Holland
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
Green R. Keller
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
A. W. Palmer
W. F. Parker
William A. Perry
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
John G. Stoll
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
John G. Stoll
E. B. Thompson
D. B. Thurman
Yeaman Watkins
E. B. Wiley
David W. Wiley
J. H. Williams
Charles Yancy

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Mr. J. W. Holland moved that the vote by which said substitute was disagreed to, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. W. V. Perry moved that the further consideration of said bill and the substitute proposed therefor by the committee be postponed until tomorrow at 10 o'clock.

Said motion was disagreed to.

Mr. J. W. Holland moved that said bill and the pending substitute therefor and all pending amendments be laid on the table.

Said motion was agreed to.

And then the House adjourned until 10 o'clock tomorrow morning.

THURSDAY MARCH 7, 1912.

The House was opened with prayer by the Rev. C. C. Penick of the Protestant Episcopal Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. H. J. Meyers presented the petition of sundry citizens of Covington asking the passage of a bill to appropriate $100,000 to be use in celebrating the 100th anniversary of the city of Covington.

Which was received, its reading dispensed with and ordered to be filed.

Mr. Hamilton offered the following resolution, viz.:

Whereas, practically all the legislation of the General Assembly will be passed within the next five legislative days, and,

Whereas, it will necessitate the employment of extra help by the Enrolling Clerk of the House in order to expedite the business, now therefor,

Be it resolved by the House of Representatives,

That the Enrolling Clerk of the House is authorized and directed to employ all necessary assistance, who shall be entitled to twenty-five cents per page for all bills enrolled by them, and the Clerk of the House is directed to issue his voucher to the Auditor of Public Accounts, who shall draw his warrant in her favor, for amount certified by her to the Clerk. Said amount shall not include any charge by either the Enrolling Clerk or the Assistant Enrolling Clerk for any work done by them.

Said resolution was adopted.

The yeas and nays being taken on the adoption of said resolution are as follows, viz.:

Those who voted in the affirmative were--

William Ahl	W. L. Craig	James R. Howell
Robert H. Akin	Elkanah Dickey	R. Dillard Hunter
P. L. Atherton	Francis B. Douglas	Green R. Keller
J. M. Bean	G. L. Drury	W. E. King
E. Bishop	Ben F. Egleston	M. C. Kirk
H. C. Blades	J. H. Elder	Charles H. Knight
John F. Brewer	Eli Farmer	William J. Kuh
Hiram Brown	John F. Fryer	James A. Leach
Wallace Brown	Allie T. Gaines	F. A. Lochry
C. W. Burton	T. J. Gregory	Hugh Mahin
G. E. Carroll	Elwood Hamilton	Emanuel Meyer
George P. Chinn	V. D. Hammond	Harry J. Meyers
Sidney G. Clay	A. B. Holland	S. F. Middleton
Sidney J. Collins	John W. Holland	Charles D. McCrea

C. B. Nichols	Stanley F. Reed	E. B. Thompson
Ben E. Niles	S. L. Robertson	D. B. Thurman
Luther C. Owings	H. A. Schoberth	Louis B. Tieman
W. F. Parker	Adam Spahn	E. B. Wiley
J. R. Paxton	John G. Stoll	B. S. Wilson
Marion F. Pogue	C. B. Thompson	Charles Yancy

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Those who voted in the negative were—

A. V. Bertram	Joe Hall	S. H. Rogers
Thos. M. Bertram	W. J. Jackson	W. Scott Smith
Wm. L. Bowling	J. Albert Leach	Yeaman Watkins
Henry Chunn	W. N. McCubbin	David W. Wiley
D. Clarence Gray	A. W. Palmer.	J. H. Williams

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Mr. Leach of Harrison County offered the following resolution, viz.:

Resolution requesting our Senators and Representatives in Congress to urge the passage of bills to pay certain citizens of Cynthiana, Kentucky, for property taken for the use of and used by the army of the United States, and destroyed by fire June 11, 1864.

Whereas, on June eleventh, eighteen hundred and sixty-four, Col. Conrad Garis, of the One Hundred and Sixty-eighth Regiment, Ohio Infantry, Volunteers, took shelter in private houses in the city of Cynthiana, in Harrison County, Kentucky, by placing his men in said houses to resist an attack of the enemy under the command of Gen. John H. Morgan. During the fight which ensued the city was set on fire by the enemy to dislodge said Federal forces, resulting in the destruction of the houses and merchandise of the following named persons:

James J. Parrish, house and merchandise	$ 1,600.00
Elizabeth Oxley, house, machinery, etc.	16,555.00
Greenup Remington, two 3-story brick houses	10,000.00
W. W. Trimble, law office and fixtures	2,500.00
Henry Johnson, barber tools and furniture	1,000.00
Charles A. Webster, house and merchandise	18,000.00
F. M. Gray, confectioner, house and merchandise	4,100.00
J. S. Frizzell, druggist, merchandise	12,680.00
Frank Box, tinner, merchandise	6,700.00
Ellen English, house and merchandise	2,000.00
Frazer and Shawhan, brick corner house	7,000.00
Susan Tomlinson, estate, house and furniture	4,000.00
John L. Magee, 2-story brick house and goods	18,000.00
G. Remington, administrator, etc., house	3,000.00
Herman Rohs, wagon maker, tools and stock	200.00
D. A. Givens, merchandise	15,747.00
I. N. Webb, merchandise	1,000.00
J. E. Dickey, merchandise	700.00
John Quinlin, carpenter tools	120.00
Wm. L. Northcut, merchandise	21,570.00
I. N. Smith, merchandise	5,113.00
I. N. Smith, guardian, merchandise	2,000.00
H. C. Nebel, merchandise	653.00
John Bruce, merchandise	1,372.00
Mary A. Bell, furniture	420.00
E. T. Rankin, administratrix, etc., livery stable	6,563.00
J. W. McIntosh, house, whiskey and merchandise.	31,730.00
R. C. Wherrett, merchandise	32,000.00
F. H. Nott, administrator, etc., brick house, fixtures	4,000.00
Total	$230,323.00

And whereas, it appears that the houses were converted to the use of the Federal soldiers to protect their lives from the bullets of the enemy, as the danger was imminent and im-

pending, and the necessity was urgent for the public service; said citizens were called upon and required to give up their private property for the advantage of the community, this property having been taken for the use of, and used by the army of the United States, as shelter, and while thus occupied it was destroyed by fire.

These being the facts in the case, in the opinion of this General Assembly, the fifth article of the amendment of the Constitution of the United States contemplates that private property shall not be taken for public good, use, safety, or convenience, without just compensation, otherwise public burdens would be shared unequally.

It further appears that these claims had been pending before the Congress of the United States almost continuously ever since the Forty-fifth Congress, first session, November 5, 1877, (H. R. 10301). In that Congress March 3, 1879, the War Claims Committee gave that bill an adverse report, number 187. Since that time they have received several favorable reports by the War Claims Committe.

In the Fiftieth Congress, first session (H. R. 8640), Report No. 1420, recommended the passage of this bill.

In the Fifty-first Congress, first session (H.R. 3402), Report No. 1277, recommended the passage of this bill.

In the fifty-fourth Congress, first session (H. R. 5911), Report No. 841, recommended the passage of this bill.

In the Fifty-fifth Congress, second session, H. R. 5354 was introduced but was not reached by the War Claims Committee.

Be it, Therefore, Resolved, by the General Assembly of the Commonwealth of Kentucky, that our Senators and Rep-

resentatives in the Congress of the United States be respectfully requested to urge upon the government of the United States the speedy settlement and payment of said claims.

Said resolution was adopted.

Mr. Fryer offered the following resolution, viz.:

Whereas, The Copyist of the Senate receives a salary of five dollars per day, and whereas, each of the ladies employed in the House and Senate, except the Copyist of the House, receive not less than five dollars per da,y and whereas, the copyist of the House has been faithful in the discharge of her duties, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Copyist of the House be allowed five dollars per day and that the Auditor of Public Accounts draw his warrant upon the State Treasurer for a sum to make the Copyist's salary amount to five dollars per day for the session of nineteen and twelve.

Ordered that said resolution lie on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 407 An act to authorize remittiturs from judgments and to regulate the effect thereof.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any action, in any court of record, of the Commonwealth of Kentucky, where a judgment for money shall be rendered in favor of any party or parties to the action, the party or parties in whose favor such judgment shall be rendered or their attorneys of record may, at any time after the entry of such judgment, and before a motion for a new trial of such cause is finally ruled on by the court, remit the whole or any part thereof, by filing with the clerk of the court in which such judgment is entered, his or their written remittitur, which shall plainly state the title of the action and the amount of so much of such judgment as is thereby remitted.

§ 2. In all cases where a remittitur of the whole or any part of a judgment is filed, as provided in Section 1 of this act, the judgment entered in such case shall, for all purposes, be treated as though the amount of the original judgment as assessed by the finding or verdict of the court or jury trying the cause, is only the amount of such judgment remaining after deducting therefrom the total amount named in said remittitur.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Joe Hall	W. F. Parker
Robert H. Akin	Elwood Hamilton	J. R. Paxton
Eugene G. Asher	V. D. Hammond	John A. Polin
J. M. Bean	A. B. Hatton	W. A. Price
Eli Berry	A. B. Holland	Stanley F. Reed
A. V. Bertram	John W. Holland	S. H. Rogers
Thos. M. Bertram	James R. Howell	Walter S. Sinclair
Wallace Brown	R. Dillard Hunter	W. Scott Smith
C. W. Burton	W. J. Jackson	Adam Spahn
G. E. Carroll	M. C. Kirk	A. H. Stamper
George P. Chinn	Charles H. Knight	John G. Stoll
Henry Chunn	William J. Kuh	C. B. Thompson
Sidney G. Clay	James A. Leach	D. B. Thurman
W. L. Craig	F. A. Lochry	Louis B. Tieman
Francis B. Douglas	B. J. Matthews	Yeaman Watkins
Elkanah Dickey	Emanuel Meyer	E. B. Wiley
Ben F. Egleston	S. F. Middleton	David W. Wiley
J. H. Elder	R. C. McClure	J. H. Williams
John F. Fryer	W. N. McCubbin	Charles Yancy
Allie T. Gaines	C. B. Nichols	Edward L. Young
T. J. Gregory	Ben E. Niles	—62

Those who voted in the negative were—

D. Clarence Gray

—1

Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 59. An act to amend and re-enact Section 23, Article 8, Chapter 22 of an act entitled an act relating to revenue and taxation which became a law March 15, 1906, and being Section 4154 of the Kentucky Statutes.

Together with an amendment thereto by way of substitute therefor proposed by the Committee on Revenue and Taxation.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 32, Article 8, Chapter 22 of an act entitled "An act relating to revenue and taxation," which became a law March 15th, 1906, and being Section 4154, Kentucky Statutes, be amended so that the same as amended shall read as follows:

§ 1. "If the land be not redeemed within the two years allowed for that purpose, the fee-simple title thereto shall, subject to the provisions herein contained, vest in the State, county and district or other purchaser. The revenue agent, under the direction of the Auditor of Public Accounts, or in cases of sales to individuals, the purchaser or purchasers, shall file an action in the Circuit Court of the county wherein said land is located, to which action the owners, holders of liens and mortgages, shall be made party defendants, as provided in Section 692 of the Code, and the proceedings in said action shall conform in all other respects to the provisions of the Code in actions for the enforcements of liens against real estate. The taxes due to the State and county shall be paid first out of the proceeds of sale and in addition thereto the revenue agent shall be paid

15 per cent upon the amount paid to State and county and said amount shall be taxed as part of the costs and paid out of the proceeds; provided, that the amount paid to the said revenue agent shall never be less than $20.00 and he shall be entitled to the amount whether a sale is had or not, provided he has in the opinion of the Circuit Judge, complied with all the requirements of this section in regard to making lien holders parties and bringing them before the court. The amount herein ordered to be paid to the revenue agent as compensation and taxed as part of the costs shall in case where the individual purchaser brings the suit be paid to the attorney of said purchaser."

§ 2. "No action shall be brought by the State or any other purchaser to enforce any right obtained under the sale years prior to the bringing of said action, and all rights hereof real estate for taxes, if such sale took place more than five tofore obtained or acquired or supposed to have been acquired under any sale for taxes more than five years before the passage of this act, are released as to any rights obtained by the said county and State or other taxing district."

§ 3. "Neither the Commonwealth nor the Revenue Agent shall be liable for costs."

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 32, Article 8, Chapter 22, of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and being Section 4154, Kentucky Statutes, Carroll's edition, 1909, be repealed and in lieu thereof the following be enacted:

1. "If the land be not redeemed within the two years allowed for that purpose, the fee-simple title thereto shall, subject to the provisions herein contained, vest in the State, county and district, or other purchaser. The County Attorney wherein the land is situated, or in cases of sales of delinquent tax claims to individuals the purchaser or purchasers of each claim, shall file an action in the Circuit Court of the county wherein said land is located, to which action the owners mortgagees and all other lien holders, shall be made party defendents, as provided in Section 692 of the Code, and the proceedings in said action shall conform in all other respects to the provisions of the Code in actions for the enforcement of liens against real estate. The court shall order a sale of the property or so much as may be sufficient to pay the taxes and other claims that may have been adjudged to be valid liens against the property, together with the costs of the action. The taxes due the State and county shall be paid first out of the proceeds of sale, and in addition thereto the County Attorney shall be paid 15 per centum upon the amount paid to the State and county and said amount shall be taxed as part of the costs and paid to the said County Attorney shall never be less than Twenty ($20.00) Dollars and he shall be entitled to the amount whether a sale is had or not; and if in the opinion of the Circuit Court, he has complied with all the requirements of this Section in regard to making lien holders parties and bringing them before the Court. The amount herein ordered to be paid to the County Attorney as compensation shall in cases where the individual purchasers of the claims bring the suit, be paid to the attorney of said purchaser, but in no suit shall more than one such fee be allowed, nor shall more than one such fee be allowed out of the proceeds of sale of any piece of property, or any two or more pieces, which have been assessed as one.

The balance of the proceeds of sale shall, after payment of all the other liens in the order of their priority, be paid to the owner of the property. The provisions of this section shall apply to all sales heretofore made to the State for taxes as well as to such sales hereafter to be made.

2. No action shall be brought by the State or any other purchaser to enforce any right obtained under the sale of real estate for taxes, if such sale took place more than five years prior to the bringing of this action.

Said substitute was adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. E. Carroll	Elwood Hamilton
Robert H. Akin	George P. Chinn	A. B. Hatton
George Baker	W. L. Craig	L. B. Herrington
J. M. Bean	Elkanah Dickey	A. B. Holland
A. V. Bertram	G. L. Drury	John W. Holland
Thos. M. Bertram	J. H. Elder	James R. Howell
E. Bishop	John F. Fryer	R. Dillard Hunter
Hiram Brown	Allie T. Gaines	W. J. Jackson
Wallace Brown	T. J. Gregory	Green R. Keller

W. E. King	Luther C. Owings	Adam Spahn
Charles H. Knight	A. W. Palmer	John G. Stoll
William J. Kuh	W. F. Parker	C. B. Thompson
James A. Leach	J. R. Paxton	Louis B. Tieman
F. A. Lochry	Marion F. Pogue	Yeaman Watkins
B. J. Matthews	John A. Polin	E. B. Wiley
Harry J. Meyers	W. A. Price	David W. Wiley
S. F. Middleton	Stanley F. Reed	J. H. Williams
R. C. McClure	S. H. Rogers	Charles Yancy
Charles D. McCrea	Walter S. Sinclair	Edward L. Young
C. B. Nichols	W. Scott Smith	—59

Those who voted in the negative were—

D. Clarence Gray	W. N. McCubbin
Emanuel Meyer	Ben E. Niles —4

Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 447. An act to regulate the assignment, sale, pledge, mortgage and other transfer of wages to be earned or paid in the future where a whole or a part of the consideration thereof is a sum of money less than $200.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No assignment, sale, pledge, mortgage or other transfer of wages to be earned or paid in the future where the whole or a part of the consideration for said assignment, sale, pledge, motgage or other transfer, is a sum of money of less than $200, shall be valid unless the instrument evidencing the same—

(a) Be in writing subscribed by the assignor, and bear the true date of its signature by the assignor, and the true date of delivery of such sum of money.

(b) Be subscribed by the wife of the assignor, if he be married and his wife be residing with him.

(c) Contain a true statement of the consideration, the amount of money advanced or paid, of the interest and all other fees and charges paid or agreed to be paid by the assignor, and the time when said debt matures; and if said debt is to be paid in installments, the date of payment of each installment.

(d) The full name or names and address or addresses of the assignee, vendee, pledgee or mortgagee; if a firm or partnership, the name of each member of the partnership; and in case of a non-resident partnership or individual, and of a corporation, the name and address of some person in the State upon whom process may be served in any litigation involving said instrument.

§ 2. No such instrument shall be valid against the employer of the person to whom such wages are payable unless and until said employer shall signify in writing upon said instrument his assent to said assignment, sale, pledge, mortgage or other transfer. Provided, however, that if notice of said assignment be given to said employer by delivering to him a

copy of said instrument within three days after the date of the making thereof, the acceptance of said employer shall not be necessary to the validity of said instrument.

§ 3. No such instrument shall be valid against such wage earner unless a full, true and complete copy thereof be delivered to the wage earner at or before the time of the payment of the consideration to him; nor shall any such instrument be valid against any such wage earner in any case where it shall appear that said copy was taken from his possession with or without his consent thereafter by the assignee, pledgee, vendee or mortgagee, or his agent, directly or indirectly, or mutilated, altered or destroyed directly or indirectly by such assignee, vendee, pledgee or mortgagee, or his agent, with or without the consent of said wage earner or his agent. Said assignee, vendee, pledgee or mortgagee shall upon demand furnish an exact copy of said instrument to said wage earner upon the payment of the sum of ten cents, and any false statement made in such copy shall make the original instrument invalid against such wage earner. The time and amount of all payments made by such wage earner under the terms of such instrument shall be endorsed on said copy and on the original and shall be a part thereof; and a failure to so endorse such payments, if any, thereon, shall make such instrument invalid.

§ 4. No such assignment, sale, pledge, mortgage or transfer shall be valid or enforceable unless it be for a fixed and definite part of the wages earned or of wages to be earned during a period not exceeding ninety days immediately following the date of said instrument. Any such instrument which shall be dated any other date than that of its execution shall ve void.

§ 5. National banks and all State banks and trust companies shall be exempt from the provisions of this act.

§ 6. The invalidity of any portion of this act shall not affect the validity of any other portion thereof, which can be given effect without such invalid part.

Mr. Atherton offered the following amendment to said bill:

Amend by striking out "b" in Section One.

Said amendment was adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Wallace Brown	Francis B. Douglas
Eugene G. Asher	C. W. Burton	G. L. Drury
P. L. Atherton	G. E. Carroll	J. H. Elder
George Baker	George P. Chinn	Eli Farmer
J. M. Bean	Sidney G. Clay	John M. Farra
Thos. M. Bertram	Sidney J. Collins	John F. Fryer
Hiram Brown	W. L. Craig	Allie T. Gaines

D. Clarence Gray
Joe Hall
Elwood Hamilton
A. B. Hatton
A. B. Holland
W. J. Jackson
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
J. R. Paxton
W. A. Price
Stanley F. Reed
S. H. Rogers
Walter S. Sinclair
W. Scott Smith
John G. Stoll
C. B. Thompson
E. B. Wiley
David W. Wiley
B. S. Wilson
Charles Yancy
Edward L. Young
—59

Those who voted in the negative were—

Robert H. Akin

—1

Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 548. An act to enable cities of the first class to construct an extension to their systems for the disposition of sewerage.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Mayor of any city of the first class may appoint four persons who, with the Mayor as a member ex-officio, shall constitute a Sewerage Commission. Of such appointees two shall be members of the Democratic Party and two members of the Republican Party. Each appointee shall be at least twenty-five years of age and reside within the city and be the owner in his own right of real estate. No officer or employee of the said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said Commission. Such appointees shall be subect to the approval of the Board of Aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. If such work is not completed at the expiration of such term of office, the Commission shall be continued by appointments made in the same manner as the original appointment. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

§ 2. The persons appointed as provided in the first section shall constitute a body corporate under the name of the Commissioners of Sewerage of Louisville, and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter same at pleasure. Said Commission shall elect a chairman from the appointed members. It shall also elect, by unanimous vote, a chief engineer, not a member of the Commission, but such chief engineer shall be removable at the pleasure of a majority of the Commission. It shall also, by unanimous vote, elect a secretary and treasurer, not a member of the Commission, who shall hold the combined office at the pleasure of a majority of the Commission. The Commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the Commission and shall receive as com-

pensation a salary to be fixed by the general council, not exceeding five thousand dollars per annum. The appointed members of the Commission shall each receive a salary, to be fixed by the general council, not exceeding three thousand dollars per annum for the chairman, and fifteen hundred dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the Commission, not exceeding twenty-five hundred dollars per annum.

§ 3. It shall be the duty of the Commission to make a study of the present and ultimate needs of the city, having in view the growth of the city and the extension of its boundaries, for both sanitary and storm-water drainage. After a comprehensive study has been made, the Commission shall determine what work should be done to improve the different districts of the city, and shall detail proposed construction of combined sewers, separate sewers and storm drains and improvement of water courses.

To aid in the study, the Commission may employ such expert advice and consulting engineers as it deems wise, and pay such reasonable compensation for their services and expenses as the Commission may determine.

§ 4. The chairman, chief engineer and secretary and treasurer of the Commission shall each give bond, with approved surety, in such sum as may be fixed by the Commission, which bond shall be payable to the Commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands.

§ 5. When the Commission shall have determined the extension of the sewer system which it deems best fitted to

meet the needs of the city and has outlined it in as much detail as is practicable, it shall report the same to the Mayor with a description of the general plan and its probable cost. The Mayor shall lay this report before the general council and the plan recommended by the Commission shall be adopted and carried out by the Commission, unless the plan recommended by the Commission shall, within thirty days after it has been received by the general council, be rejected and disapproved by a two-thirds vote of all the members of each board.

If the general council rejects the plan recommended by the Commission, the council shall return the plan to the Commission with their criticism and suggestions. The Commission shall thereupon make a further study and thoroughly examine the recommendations of the council and prepare an alternative plan in accordance with what on this further study appears in their judgement to be for the best interest of the city. The Commission shall then present the alternative plan to the Mayor to be submitted to the council. At any time within thirty days after the submission of the alternative plan to the Mayor the general council may consider it, and if it shall receive the two-thirds vote of all the members of each board of the general council, each of said boards sitting separately, it shall be adopted, but if it fails to receive the necessary two-thirds vote within the said thirty days, then said Commission, with the approval of the Mayor, shall have the right to choose a system and carry it out.

The general council shall have no power to vary any system proposed and presented by the Commission, but must adopt one of those reported in its entirety.

§ 6. Said Commission shall have full power and authority to carry out the purposes of this act, among which powers shall be following; that is to say:

1. To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of an extension of the system of sewerage.

2. To construct and establish all such local, district, lateral, intercepting, outfall or other sewers and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which said city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect.

3. To incorporate with said sewerage extension or otherwise utilize for the purpose of this act, so far as it may deem expedient, any or all public sewers or drains, including storm-water sewers, drains, and water courses and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said Commission may see fit to make, and to enlarge, extend, or improve, or to condemn, close up, abolish or destroy in its discretion, any or all such existing public sewers, drains or water courses or to alter their functions or to increase their burdens as it may think best.

4. Besides the chief engineer the Commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

5. To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management, and conduct of its work as it may deem expedient.

6. To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

7. To purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes. Provided, that this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the Commission.

§ 7. Said Commission may acquire, by gift, purchase, or lease, or by condemnation, any land or property situated wholly or partly within the city or within the county in which such city is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose or constructing, establishing, maintaining and operating such sewerage system. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

§ 8. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys, or highways which shall interefere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said Commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to

meet the exigencies occasioning such action, and the general council shall have full power, by ordinance, to prescribe the penalty for such failure.

§ 9. All work done, or supplies or material purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder. All bids or parts of bids, for any such work or supplies, may be rejected by said Commission.

The Commission may, however, with the consent of four of its members, itself do any part or parts of its work under such conditions as it may prescribe by day labor whenever the chief engineer, in writing, shall recommend that course.

§ 10. And when any portion of said sewerage system shall be complete and ready for active operation, the Commission shall restore the street, alley, or other public way through which said completed work extends, to its original condition as near as practicable, and may then notify the Board of Public Works and turn over said completed portion to such board, and the same shall thereafter be under the exclusive control of said Board of Public Works.

§ 11. In order to provide money for the projection, construction and establishment of said sewerage system, the general council may adopt an ordinance submitting to the voters of the city, at the regular city election, the question whether bonds of the city shall be issed for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be then issued, and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their de-

nominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the general council either prior or subsequent to the selection of the system to be used in the construction of said sewerage system. The total amount of bonds to be issued under this act shall not exceed two million dollars.

§ 12. If the voters of the city shall determine that such bonds shall be issued they shall, when so issued, be placed under the control of said Commission, who shall determine when and at what price and how they shall be sold. Provided, that no bonds shall be sold for less than par, and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold their proceeds shall go to the credit of the Commission, in the same depositories which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the Commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

§ 13. All disbursements of the Commission, including compensation to its members, or officers, engineers, agents, and others employed by it; shall come out of the proceeds of the sale of the said bonds. Provided, however, that the Commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the peo-

ple is not adopted by them, then on the first day of January following such rejection, the powers herein granted to the said Commission shall cease and said Commission shall stand dissolved.

§ 14. Upon the dissolution of the said Commission as provided in section thirteen, or upon its dissolution growing out of its completion of the work and the consequent expiration of the term of the members of the Commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall by operation of law and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the Commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the Commission, and second, the balance, if any, to be paid into the hands of the Commissioners of the sinking fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for.

§ 15. Section two thousand eight hundred and twenty-five, Kentucky Statutes, vesting a certain exclusive control in the Board of Public Works, shall, to the extent that it conflicts with this act, stand repealed, provided, that such exclusive control of the Board of Public Works shall attach and thereafter continue as provided in Section ten of this act.

Section 14 of "An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage," approved February 19, 1906, is hereby amended by adding thereto the following provisions:

If there shall be established before the dissolution of the Commission, a new Commission for the construction of an extension of the comprehensive system of sewers, all prop-

erty, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, on its dissolution, by operation of law and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the said new Commission, and all money then in the hands of the former Commission shall on its dissolution be by it turned over to the said new Commission to be used first to defray any liabilities which have been incurred by the former Commission, and second, the balance to be expended in the projection, construction and establishment of the extension of the sewer system.

§ 16. This act shall become law from and after its passage, there being an emergency for the immediate taking effect of this act by reason of the fact that cities of the first class are in urgent need of an extension of its system of sewerage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Eli Berry	Wm. L. Bowling
Robert H. Akin	A. V. Bertram	C. W. Burton
Eugene G. Asher	Thos. M. Bertram	G. E. Carroll
P. L. Atherton	H. C. Blades	George P. Chinn
George Baker	Hiram Brown	Sidney G. Clay
J. M. Bean	Wallace Brown	Sidney J. Collins

Elkanah Dickey	J. Albert Leach	Marion F. Pogue
Francis B. Douglas	F. A. Lochry	Stanley F. Reed
J. H. Elder	William J. Kuh	S. L. Robertson
Eli Farmer	Hugh Mahin	S. H. Rogers
John M. Farra	B. J. Matthews	Robt. H. Scott
John F. Fryer	Emanuel Meyer	Walter S. Sinclair
Allie T. Gaines	Harry J. Meyers	W. Scott Smith
D. Clarence Gray	S. F. Middleton	Adam Spahn
T. J. Gregory	R. C. McClure	John G. Stoll
Joe Hall	W. N. McCubbin	D. B. Thurman
A. B. Hatton.	C. B. Nichols	Louis B. Tieman
John W. Holland	Ben E. Niles	Yeaman Watkins
R. Dillard Hunter	Luther C. Owings	E. B. Wiley
Earl C. Huntsman	A. W. Palmer	David W. Wiley
W. J. Jackson	W. F. Parker	Charles Yancy
Charles H. Knight	William A. Perry	—68
James A. Leach	W. V. Perry	

Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 541. An act to amend the school laws of cities of the first class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in cities of the first class whenever the Board of Education shall deem it necessary for the proper accom-

modation of the schools of such city to purchase a site or sites or to erect schoolhouses for the high schools or for the other schools, or to purchase land for the enlargement of existing school yards, or for any or all these purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes, and it shall deem a bond issue to be necessary therefor, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the general council of said city the fact that an election for an issue of bonds for school improvements should be held together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the duty of the general council to adopt an ordinance submitting to the qualified voters of the city at the next regular municipal election the question whether bonds of the city to the amount specified shall be issued for school improvement purposes. The bonds so issued shall be designated as "School Improvement Bonds," and the ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount to be issued; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denomiations, coupons to be annexed, tax to be levied to pay the interest and a sinking fund to retire such bonds at maturity. No bond issue shall ever be for an amount exceeding the sum of one million dollars. The question to be submitted shall be so framed that the voter may by his vote answer for or against the issue of bonds.

It shall be the duty of the Mayor of the city to see to it that all proper steps are taken to secure a vote of the people upon the question, conforming, as far as applicable, to the proceedings in case of an election for members of the Board of Education in cities of the first class. If the voters of the

city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of the Board of Education, who shall determine when and at what price and how they shall be sold. Provided, that no bonds shall be sold for less than par. And, provided further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold, their proceeds shall be placed to the credit of the board in the same depositaries which are selected for its other funds, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued.

It shall be the duty of the general council to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principle and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid.

§ 2. This act shall become a law when approved by the Governor.

Mr. Emanuel Meyer offered the following amendment to said bill, viz.:

Amend by striking out the word "million" in Section 1, line 26, and in lieu thereof insert the words "two hundred and fifty thousand."

Said amendment was disagreed to.

Order that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John M. Farra	R. C. McClure
Robert H. Akin	John F. Fryer	Charles D. McCrea
Eugene G. Asher	Allie T. Gaines	W. N. McCubbin
P. L. Atherton	D. Clarence Gray	C. B. Nichols
George Baker	T. J. Gregory	Ben E. Niles
J. M. Bean	Joe Hall	Luther C. Owings
Eli Berry	Elwood Hamilton	A. W. Palmer
A. V. Bertram	A. B. Hatton	W. F. Parker
Thos. M. Bertram	A. B. Holland	J. R. Paxton
Hiram Brown	John W. Holland	William A. Perry
Wallace Brown	James R. Howell	W. V. Perry
Wm. L. Bowling	Earl C. Huntsman	Marion F. Pogue
G. E. Carroll	W. J. Jackson	W. A. Price
George P. Chinn	Green R. Keller	Stanley F. Reed
Henry Chunn	John G. Kelley	H. A. Schoberth
Sidney G. Clay	M. C. Kirk	Robt. H. Scott
W. Frank Cole	Charles H. Knight	W. Scott Smith
Sidney J. Collins	William J. Kuh	Adam Spahn
Elkanah Dickey	James A. Leach	D. B. Thurman
Francis B. Douglas	F. A. Lochry	Yeaman Watkins
Ben F. Egleston	Harry J. Meyers	E. B. Wiley
J. H. Elder	S. F. Middleton	David W. Wiley

—65

Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 425. An act to amend Section 22, Kentucky Statutes, Carroll's edition, 1909.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 132, Article 4, Kentucky Statutes, Carroll's Edition, 1909, entitled "Attorneys for the County" be amended by striking out the word "reasonable" in the last line of said section and adding after the word "salary" in the same line the words "not less than $900.00 per annum," so that said section as amended shall read as follows:

"He shall be allowed annually by the Fiscal Court or Board of Commissioners in counties where for county governmental purposes a city is by law separated from the remainder of the county, a salary not less than $900.00 per annum to be paid out of the county levy."

Mr. Clay offered the following amendment to said bill:

Strike out in Section 1, line 5, the words "nine hundred dollars" and insert in lieu thereof the words "six hundred dollars."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
Robert H. Akin
Eugene G. Asher
P. L. Atherton
George Baker
Thos. M. Bertram
Hiram Brown
Wallace Brown
Wm. L. Bowling
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
Eli Farmer
John M. Farra
John F. Fryer
Elwood Hamilton
A. B. Holland
John W. Holland
Earl C. Huntsman
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Emanuel Meyer
Harry J. Meyers
R. C. McClure
Charles D. McCrea
C. B. Nichols
W. F. Parker
J. R. Paxton
William A. Perry
W. V. Perry
John A. Polin
H. A. Schoberth
Robt. H. Scott
Adam Spahn
John G. Stoll
C. B. Thompson
E. B. Thompson
E. B. Wiley
David W. Wiley
Charles Yancy
—48

Those who voted in the negative were—

J. M. Bean
Eli Berry
A. V. Bertram
John F. Brewer
W. L. Craig
G. L. Drury
J. H. Elder
D. Clarence Gray
T. J. Gregory
Joe Hall
A. B. Hatton
R. Dillard Hunter

W. J. Jackson	S. F. Middleton	W. Scott Smith
John G. Kelley	W. N. McCubbin	D. B. Thurman
W. E. King	Marion F. Pogue	Yeaman Watkins
B. J. Matthews	S. H. Rogers	B. S. Wilson

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Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 371. An act to amend Section 273a, Carroll's Edition of 1909, Kentucky Statutes, giving to the Kentucky School for the Deaf, located at Danville, Kentucky, an educational classification.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 273a. I, be and the same is hereby amended by adding thereto in line six, after the words "for the deaf," the following: "And said School for the Deaf shall be regarded classed, and conducted wholly as an educational institution of the State; and its classification, conduct, and management shall be wholly separate and distinct from that of benevolent, charitable, custodial, and correctional institutions of the Commonwealth," so that said section when thus amended will read:

"Section 273a. 1. Name changed to 'The Kentucky School for the Deaf.' That the corporate name of the school for the education of deaf children residing within the bounds of the Commonwealth, located at Danville, Boyle County, Kentucky, and owned, and supported and maintained by the Commonwealth, be, and is hereby changed from 'The Kentucky Institution for the Education of Deaf Mutes' to 'Kentucky School for the Deaf,' and said school for the deaf shall be regarded, classed, and conducted wholly as an educational institution of the State, and its classification conduct, and management shall be wholly separate and distinct from that of benevolent, charitable custodial, and correctional institutions of the Commonwealth.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	John M. Farra
Robert H. Akin	G. E. Carroll	John F. Fryer
Eugene G. Asher	George P. Chinn	Allie T. Gaines
George Baker	Henry Chunn	D. Clarence Gray
J. M. Bean	Sidney G. Clay	Joe Hall
A. V. Bertram	Sidney J. Collins	Elwood Hamilton
Thos. M. Bertram	W. L. Craig	V. D. Hammond
E. Bishop	Elkanah Dickey	L. B. Herrington
Hiram Brown	Francis B. Douglas	James R. Howell
Wallace Brown	G. L. Drury	Earl C. Huntsman
Wm. L. Bowling	J. H. Elder	W. J. Jackson

M. C. Kirk	Ben E. Niles	Walter S. Sinclair
Charles H. Knight	Luther C. Owings	W. Scott Smith
James A. Leach	A. W. Palmer	John G. Stoll
F. A. Lochry	W. F. Parker	C. B. Thompson
B. J. Matthews	J. R. Paxton	E. B. Thompson
Harry J. Meyers	William A. Perry	E. B. Wiley
S. F. Middleton	W. V. Perry	David W. Wiley
R. C. McClure	Marion F. Pogue	J. H. Williams
Charles D. McCrea	John A. Polin	B. S. Wilson
W. N. McCubbin	Stanley F. Reed	Charles Yancy
C. B. Nichols	S. H. Rogers	—65

Those who voted in the negative were—

J. Albert Leach Yeaman Watkins

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Resolved that the title there of be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed to reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 189. An act for the purpose of enabling cities of the third class to make certain street improvements under the five-year plan.

Together with an amendment proposed thereto by the Committee.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to enable cities of the third class to improve, or reimprove, their side walks, curb and gutters, to construct said side walks, curb and gutters upon the five-year plan, the common council shall have the power to ordinance to provide for the buliding of any side walks, curb or gutters on any street and to designate the character of improvement proposed to be made. After such ordinance has been adopted, it shall be the duty of the engineer of said city to have made an estimate of the cost of such proposed improvement and to report same to the common council; thereupon the common council may, by ordinance, provide that such improvement shall be made upon the five-year plan.

§ 2. Such ordinance providing for such improvements shall describe the streets to be improved and character of material to be used in making such improvement.

§ 3. If the five-year plan is provided for, the city may issue bonds bearing not exceeding six per cent per annum interest, in such denominations as may be provided for by ordinance. Said bonds shall be divided into five series and each series to be as equal as possible and to be due in one, two, three, four and five years. To secure the payment of such bonds the city may pledge the lien created upon such property as may be assessed by the city and the revenue expected to be derived from the assessment of such property.

§ 4. The assessement made by the city of the property to be improved shall be payable in five equal installments and shall be due and payable on the first day of July of each year in the same manner as such other ad valorem taxes are paid. Such special assessments shall bear interest at the rate of

six per cent per annum from the date of said bonds; providing said special assessment may be paid at any time.

§ 5. The money derived from such special assessment shall be kept by the city treasurer in a separate fund to be known as a sinking fund and shall be used only for the purpose of paying or buying said bonds. Said sinking fund shall be disbursed as other sinking funds of the city are required to be disbursed by law.

§ 6. All laws or parts of laws in conflict herewith, in so far as same conflict herewith, are hereby repealed.

The amendment as proposed by the Committee is as follows:

Amend Section 4 by inserting the word "per annum" the words "payable semi-annually."

Said amendment was adopted.

Mr. Niles offered the following amendment, viz.:

Amend by adding at the end of Section 7 the following: "Such special assessment shall be collected by the City Tax Collector in the same manner as other city taxes due said city."

Said amendment was adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John F. Fryer	W. N. McCubbin
Robert H. Akin	Allie T. Gaines	C. B. Nichols
Eugene G. Asher	D. Clarence Gray	Ben E. Niles
P. L. Atherton	T. J. Gregory	Luther C. Owings
George Baker	Joe Hall	W. F. Parker
J. M. Bean	Elwood Hamilton	J. R. Paxton
Eli Berry	L. B. Herrington	William A. Perry
A. V. Bertram	A. B. Holland	Marion F. Pogue
Thos. M. Bertram	James R. Howell	W. A. Price
Wallace Brown	Earl C. Huntsman	Stanley F. Reed
Wm. L. Bowling	W. J. Jackson	Robt. H. Scott
C. W. Burton	Green R. Keller	Walter S. Sinclair
G. E. Carroll	M. C. Kirk	Adam Spahn
George P. Chinn	William J. Kuh	A. H. Stamper
Henry Chunn	James A. Leach	C. B. Thompson
W. Frank Cole	J. Albert Leach	D. B. Thurman
Sidney J. Collins	F. A. Lochry	Yeaman Watkins
W. L. Craig	Hugh Mahin	E. B. Wiley
Elkanah Dickey	B. J. Matthews	David W. Wiley
G. L. Drury	Emanuel Meyer	J. H. Williams
J. H. Elder	Harry J. Meyers	B. S. Wilson
Eli Farmer	S. F. Middleton	Charles Yancy
John M. Farra	Charles D. McCrea	—68

Resolved that the title thereof be as aforesaid.

Mr. ———— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up from the Calendar bills of the following titles, viz.:

H. B. 316. An act to regulate the employment of physicians or surgeons by companies or corporations operating a coal mine in this Commonwealth.

S. B. 77. An act to amend Section 753 of the Civil Code of Practice.

S. B. 191. An act providing for the participation of the Commonwealth of Kentucky in Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in-Bay Island, Ohio, in the year 1913, in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's Northwestern campaign in the year of 1812 and the 100th anniversary of the battle of the Thames in conjunction with the National government and the States of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Minnesota, Indiana and Louisiana and making an appropriation therefor.

S. B. 241. An act to appoint a Code Commission to prepare amendment to Civil Code of Practice and the Code of Practice in criminal cases and to report to the General Assembly at its meeting in January, 1914.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Carroll of the Committee on County and City Courts:

S. B. 169. An act to amend Section 1 and Section 7 of an act entitled an act creating and regulating the office of County Treasurer, Session Acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act which was approved February 27, 1893, and the amendment to said Act which became a law March 26, 1904.

By Mr. Collins of the Committee on Charitable Institutions:

S. B. 308. An act to amend Section 217 and Subsection 8 of 217a of Article 1 and Section 272 of Article 11, Chapter 16 Kentucky Statutes Carroll's 1909 Edition said Chapter being entitled therein Charitable Institutions.

By Mr. Yancy of the Committee on Confederate Home:

S. B. 287. An act to make an appropriation for securing the birthplace of Jefferson Davis and erecting thereon a suitable memorial to his memory.

By Mr. D. W. Wiley of the Committee on Fish and Game:

S. B. 147. An act to protect and regulate the catching of mussel shell in the Ohio river and Kentucky tributaries.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 229. An act to amend an act entitled an act providing the manner of adding one additional judge to cir-

cuit courts of continuous session in counties constituting separate districts having one judge and establishing the division thereof, approved March 6, 1906.

By same:

S. B. 243. An act to authorize and to add one additional judge to the Circuit Court for the 17th Circuit Court District providing for the appointment and election thereof.

By same:

S. B. 214. An act to repeal An act entitled An act to regulate proceedings in civil actions in circuit courts which became a law March 29, 1902, and re-enact Section 43, 44, 60, 102, 103, 104, 105, 106, 107, 108, 363, 364, 365, 366, and 367 of the Civil Code of Practice.

By same:

S. B. 190. An act to regulate the introduction of expert testimony in civil and criminal trials.

By Mr. Atherton of the Committee on Municipalities:

S. B. 179. An act to amend Chapter 50 of the Acts of 1910 of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

By Mr. Bishop of the Committee on Public Health:

S. B. 180. An act to indemnify the American National Bank of Louisville, Kentucky, for money heretofore advanced for the purpose of maintaining the Kentucky Institution for the Education of the Blind, to prohibit the officers of said in-

stitution from hereafter incurring debt in excess of its appropriations and providing a penalty therefor.

By same:

S. B. 107. An act prohibiting the use of public drinking cups.

By Mr. Berry of the Committee on Public Utilities:

S. B. 264. An act providing for interchange and transmission of messages between telephone companies.

By Mr. Young of the Commitee on Revenue and Taxation:

S. B. 17. An act relative to revenue and taxation, approved March 15, 1906.

By same:

S. B. 175. An act to amend Section 4143 of the Kentucky Statutes.

By Mr. Paxton of the Committee on Redistricting—Legislative:

H. B. 551. An act to create the 16th and 19th Senatorial Districts of Kentucky.

By Mr. Atherton of the Committee on State Prisons and Houses of Reform:

S. B. 74. An act to appropriate money to erect and equip a filter and appurtenances thereto for the Eddyville Penitentiary, to construct a concrete arch bridge across Lick

Creek for the Eddyville Penitentiary and to finish the tuberculosis hospital for the Eddyville Penitentiary.

By Mr. Hammond of the Committee on Agriculture:

S. B. 237. An act to amend Section 330 of the Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

A message was received from the Senate announcing that they had received official information that the Governor had signed and approved bills which originated in the Senate of the following titles, viz.:

S. B. 1. An act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections and prescribing penalties for the violation thereof.

S. Res. 22. Resolution to appropriate money for the payment of expenses of the joint committee for Charitable Institutions.

That they had passed bills of the following titles, viz.:

1. S. B. 202. An act ceding jurisdiction of the Commonwealth of Kentucky over certain lands to the United States of America upon establishment of Mammoth Cave National Park.

2. S. B. 230. An act to provide for the enforced attendance of children in the common schools and graded schools of the Commonwealth.

3. S. B. 250. An act to create a permanent Statutory Commission.

4. S. B. 254. An act for the relief of sub-school districts and relating to old debts.

5. S. B. 260. An act prohibiting the sale of intoxicating liquid within four hundred feet of Normal Schools and State Colleges.

6. S. B. 355. An act to amend and re-enact Sections 3942a and 3942b of the Kentucky Statutes, Edition 1909, relating to the duties and powers of the Commissioners of the Sinking Fund, and the duties and powers of the Custodian of public buildings and authorizing the Commissioners of the Sinking Fund to have improvements and repairs made to the Capitol building and grounds and the power plant and the power house.

7. S. B. 133. An act to amend Section 2516 of the Kentucky Statutes relating to limitation of actions.

Said bills were ordered to be printed and referred,

1, 2, and 4. To Committee on Education 1.

3 and 7. To Committee on Judiciary.

5. To Committee on State University and Normal Schools.

6. To Committee on State Capitol.

And then the House recessed until three o'clock.

AFTERNOON SESSION

At three o'clock the House reconvened.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 162. An act to amend An act entitled An act to amend An act entitled An act to amend An act entitled An act to assign the cities and towns of this Commonwealth to the class to which they belong, approved —— day of ——— 1910.

Together with an amendment thereto by way of substitute therefor proposed the Committee on Classification of Cities and Towns.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of an act entitled An Act to amend an Act, entitled An Act to amend an Act entitled An Act to assign the cities and towns of this Commonwealth to the classes to which they belong, approved on the ——— day of ————— 1910. Be it, and the same is hereby amended, by adding after the following words, "Monticello, Wayne County," in the Fifth class division, these words, "Jackson, Breathitt County," so that said section as amended shall read as follows: "The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson county.

Second Class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county; Paducah, McCracken county.

Third Class—Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth Class—Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Ashland, Boyd county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesborough, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville, Bell county; Madisonville, Hopkins county; Princeton, Caldwell county; Latonia, Kenton county; Fulton, Fulton county; Lawrenceburg, Anderson county; Russellville, Logan county; Carrollton, Carroll county; Central City, Muhlenberg county.

Fifth Class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Franklin, Simpson county; Greenville, Muhlenberg county; Elizabethtown, Hardin county; Louisa, Lawrence county; Columbus, Hickman county; Glasgow, Barren county; West Covington, Kenton county; Earlington, Hopkins county; Hickman, Fulton county; Cloverport, Breckinridge county; Bardstown, Nelson county; Augusta, Bracken county; Standford, Hustonville and Crab Orchard, Lincoln county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford

county; Flemingsburg, Fleming county; Barbourville, Knot county; Elkton, Todd county; Falmouth, Pendleton county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay City, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Eminence, Henry county; Eddyville, Lyon county; Leitchfield, Grayson county; Owingsville, Bath county; Murray, Calloway county; Marion, Crittenden county; Providence, Webster county; Sebree City, Webster county; Clay, Webster county; Wickliffe, Ballard county; Morehead, Rowan county; Bardwell, Carlisle county; Pikeville, Pike county; Sturgis, Union county; Dawson Springs, Hopkins county; Millersburg, Bourbon county; Corbin, Whitley and Knox counties; Calhoun, McLean county; Springfield, Washington county; Corydon, Henderson county; Hartford, Ohio county; Morton's Gap, Hopkins county; Livermore, McLean county; Oakdale, Jefferson county; Beattyville, Lee county; Owenton, Owen county; Scottsville, Allen county; Olive Hill, Carter county; Burnside, Pulaski county; Prestonburg, Floyd county; Warsaw, Gallatin county; Jackson, Breathitt county.

Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the sixth class (the original section, an act of September 30th, one thousand eight hundred and ninety-two, was amended by acts of March 17th, one thousand, eight hundred and ninety-six; June 2nd, one thousand, eight hundred and ninety-seven; May 11th, one thousand, eight hunded and ninety-seven; March 15th, one thousand, eight hundred and ninety-eight; March 2nd, one thousand, eight hundred and ninety-eight; March ——, one thousand, nine hundred and four; and March 21st, one thousand, nine hundred and six; transferring cities from one class to another.)

§ 2. Whereas, it is necessary for the assigned cities and towns mentioned herein, to make their tax levy for this year under the charter of the town to which they are assigned, an emergency is declared to exist and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

The substitute as proposed by the Committee is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section One of "An act entitled an act to amend an act entitled an act to assign the cities and towns of this Comminwealth to the classes to which they belong" approved March 16, 1910, be amended by striking from the third classification the words "Somerset, Pulaski County," and by striking from the fifth classification the words "Morganfield, Union County; Providence, Webster County; Pikeville, Pike County; Elizabethtown, Hardin County," and by adding after the words "Barbourville, Knox County," the words Highlands, Campbell County; London, Laurel County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Elizabethtown, Hardin County, and by adding after the words "Clifton, Campbell County," in the fifth classification the words "Jackson, Breathitt County; Russell, Greenup County; Mt. Pleasant, Harlan County; Hustonville, Lincoln County, and Crab Orchard, Lincoln County; and that same be re-enacted as amended, and that Section Two of said act be re-enacted so that said act as amended and re-enacted shall read as follows:

The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warran County; Middlesboro, Bell County.

Fourth Class—Hopkinsville, Christian County; Shelbyville; Shelby County; Maysville, Mason County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Ashland, Boyd County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenburg County; Corbin, Whitley and Knox Counties; Franklin, Simpson County; Barbourville, Knox County; Highlands, Campbell County; London, Laurel County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Elizabethtown, Hardin County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Greenville, Muhlenburg County; Louisa, Lawrence County; Columbus, Hickman County; Glasgow, Barren County; West Covington, Kenton County; Earlington, Hopkins County; Hickman,

Fulton County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Elkton, Todd County; Falmouth, Pendleton County; Vanceburg, Lewis County; Carlisle, Nicholas County; Clay City, Powell County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Murray, Calloway County; Marion, Crittenden County; Sebree City, Webster County; Clay, Webster, County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Sturgis, Union County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Oakdale, Jefferson County; Beattyville, Lee County; Owenton, Owen County; Scottsville, Allen County; Olive Hill, Carter County; Burnside, Pulaski County; Prestonburg, Floyd County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; La Grange, Oldham County; Guthrie, Todd County; Clifton, Campbell County; Jackson, Breathitt County; Russell, Greenup, County; Mt. Pleasant, Harlan County; Hustonville, Lincoln County; Crab Orchard, Lincoln County.

Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the sixth class.

Mr. Drury offered the following amendment to said substitute, viz.:

Amend by striking out "Elizabethtown, Hardin County," from the 7th and 10th lines and by striking "Elizabethtown, Hardin County" from class four and inserting it in class five.

Said amendment was disagreed to.

Mr. Farra offered the following amendment to said substitute, viz.:

Amend by adding at the end thereof the following words:

Provided that officers elected in 1909 and all the officers now serving in the cities above mentioned that are by this act changed from a class other than the present shall be continued and remain as the officers in the class in which to which they are now placed and shall hold such office until their successors are elected at the regular November election, 1913.

Said amendmnet was adopted.

Mr. Hiram Brown offered the following amendment to said substitute, viz.:

Amend by striking the words "Hopkinsville, Christian County" from the fourth class and insert the words "Hopkinsville, Christian County" in the cities of the third class after the words "Middlesborough, Bell County."

Said amendment was agreed to.

Mr. Williams moved to reconsider the vote by which said amendment was adopted.

Mr. Hiram Brown moved to lay said motion on the table.

Said last named motion was disagreed to.

Mr. Williams' motion was then agreed to.

The yeas and nays being required thereon by Messrs. Huntsman and E. B. Thompson were as follows, viz.:

Those who voted in the affirmative were--

Robert H. Akin	D. Clarence Gray	S. F. Middleton
P. L. Atherton	T. J. Gregory	C. B. Nichols
J. M. Bean	Joe Hall	Ben E. Niles
Eli Berry	Elwood Hamilton	Luther C. Owings
H. C. Blades	V. D. Hammond	J. R. Paxton
Wallace Brown	A. B. Hatton	W. V. Perry
George P. Chinn	L. B. Herrington	Marion F. Pogue
W. L. Craig	A. B. Holland	A. H. Stamper
Elkanah Dickey	James R. Howell	C. B. Thompson
Francis B. Douglas	R. Dillard Hunter	D. B. Thurman
G. L. Drury	W. J. Jackson	E. B. Wiley
J. H. Elder	W. E. King	J. H. Williams
John M. Farra	James A. Leach	B. S. Wilson
S. Walton Forgy	F. A. Lochry	Charles Yancy

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Those who voted in the negative were—

William Ahl	Allie T. Gaines	Charles D. McCrea
Eugene G. Asher	Earl C. Huntsman	W. N. McCubbin
George Baker	M. C. Kirk	W. F. Parker
Thos. M. Bertram	Charles H. Knight	William A. Perry
John F. Brewer	William J. Kuh	Walter S. Sinclair
Hiram Brown	J. Albert Leach	W. Scott Smith
C. W. Burton	B. J. Matthews	John G. Stoll
Henry Chunn	Emanuel Meyer	E. B. Thompson
Sidney G. Clay	Harry J. Meyers	Louis B. Tieman
Eli Farmer	R. C. McClure	Yeaman Watkins

—30

Said amendment was then disagreed to.

Mr. Matthews offered the following amendment to said substitute, viz.:

Amend by striking Clay City, Powell County, from the cities of the fifth class and placing same in towns of the sixth class where it belongs.

Said amendment was agreed to.

Said substitute as amend was then adopted.

Ordered that said bill as amended by said substitute be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. E. Carroll	S. Walton Forgy
Robert H. Akin	George P. Chinn	John F. Fryer
Eugene G. Asher	Henry Chunn	Allie T. Gaines
P. L. Atherton	Sidney G. Clay	D. Clarence Gray
George Baker	Sidney J. Collins	T. J. Gregory
Eli Berry	W. L. Craig	Elwood Hamilton
Thos. M. Bertram	Elkanah Dickey	V. D. Hammond
John F. Brewer	G. L. Drury	A. B. Hatton
Hiram Brown	J. H. Elder	L. B. Herrington
Wallace Brown	Eli Farmer	A. B. Holland
C. W. Burton	John M. Farra	John W. Holland

James R. Howell	R. C. McClure	Walter S. Sinclair
R. Dillard Hunter	Charles D. McCrea	W. Scott Smith
Earl C. Huntsman	C. B. Nichols	A. H. Stamper
W. J. Jackson	Ben E. Niles	John G. Stoll
W. E. King	Luther C. Owings	C. B. Thompson
M. C. Kirk	W. F. Parker	E. B. Thompson
Charles H. Knight	J. R. Paxton	D. B. Thurman
William J. Kuh	William A. Perry	Louis B. Tieman
James A. Leach	W. V. Perry	Yeaman Watkins
J. Albert Leach	Marion F. Pogue	E. B. Wiley
F. A. Lochry	W. A. Price	David W. Wiley
Hugh Mahin	Stanley F. Reed	J. H. Williams
Emanuel Meyer	S. H. Rogers	B. S. Wilson
S. F. Middleton	Robt. H. Scott	Charles Yancy

—75

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 267. An act to amend an act of the General Assembly of the Commonwealth of Kentucky approved March 19, 1908, entitled an act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, fixing and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised and as further amended by act approved March 23, 1910.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," approved March 19, 1908, as amended by an act of the General Assembly of the Commonwealth of Kentucky, approved March 23, 1910, be amended by adding the following sections to said act:

§ 1. An appeal may be taken to the Circuit Court from any order of the County Court, Juvenile Session, committing any child to an institution or from any order of said court, changing the custody or guardianship of any child within the time and in the manner provided by law for appeals to the Circuit Court from judgments of the Quarterly Court.

§ 2. An appeal may be taken to the Court of Appeals from an order of the Circuit Court in any such matter within the time and in the manner provided by law for appeals in equity cases. Provided, that no such order shall be superseded, but the order of the Circuit Court in any such case shall stand until reversed or modified by the Court of Appeals provided, further, that the pendency of an appeal shall not preclude or prevent the court, during the pendency of such an appeal, at a subsequent hearing for cause shown, to modify any order theretofore made, although the effect of any such modification may be to suspend the appeal. All appeals under this act to the Court of Appeals shall take precedence over all other business of the court, except appeals in criminal cases.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Joe Hall	Ben E. Niles
Robert H. Akin	Elwood Hamilton	Luther C. Owings
Eugene G. Asher	V. D. Hammond	W. F. Parker
George Baker	A. B. Holland	William A. Perry
J. M. Bean	John W. Holland	W. V. Perry
Eli Berry	James R. Howell	Marion F. Pogue
A. V. Bertram	R. Dillard Hunter	John A. Polin
Thos. M. Bertram	Earl C. Huntsman	Stanley F. Reed
H. C. Blades	Green R. Keller	S. H. Rogers
Wallace Brown	W. E. King	H. A. Schoberth
C. W. Burton	M. C. Kirk	Robt. H. Scott
G. E. Carroll	Charles H. Knight	W. A. Shawler
Henry Chunn	William J. Kuh	Walter S. Sinclair
Sidney G. Clay	James A. Leach	W. Scott Smith
W. L. Craig	J. Albert Leach	Adam Spahn
Elkanah Dickey	F. A. Lochry	A. H. Stamper
G. L. Drury	Hugh Mahin	C. B. Thompson
Ben F. Egleston	B. J. Matthews	D. B. Thurman
J. H. Elder	Emanuel Meyer	Yeaman Watkins
John M. Farra	Harry J. Meyers	E. B. Wiley
John F. Fryer	S. F. Middleton	J. H. Williams
Allie T. Gaines	Charles D. McCrea	B. S. Wilson
D. Clarence Gray	W. N. McCubbin	Charles Yancy
T. J. Gregory	C. B. Nichols	—71

Resolved that the title thereof be as aforesaid.

Mr. ———————— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 451. An act for the benefit of A. D. Cole, Esquire, Maysville, Kentucky.

Said bill reads as follows, viz.:

Whereas, beginning in 1902 with the case of Davis' Admr. vs. Chesapeake & Ohio Railway Company, 24 Ky. Law Rep., 1125, 25 Ky. Law Rep., 342, including the case of Murray vs. Chesapeake & Ohio Railway Company in 1907, 115 S. W. Rep., 821, and ending on the 12th day of April, 1911, with the case of Plummer vs. Chesapeake & Ohio Railway Company, 143 Ky. p. 103, A. D. Cole, Esq., of Maysville, did, as result of his persistent and unaided efforts by brief and oral argument before the Court of Appeals, obtain a construction of Sections 763 and 765 Ky. Statutes and Section 201 and 211 of the Constitution, requiring all foreign railroad corporations to comply therewith in order to own and hold real estate and to exercise the right of eminent domain in this Commonwealth, and,

Whereas, his contention in the interest of the Commonwealth was sustained by the Court of Appeals in the Plummer case, reversing the opinion of the lower court and overruling that of the legal department of the Commonwealth; and,

Whereas, he has rendered valuable services for the Commonwealth, resulting thus far in the actual payment of $100,000 into the Treasury by the Chesapeake & Ohio Railway Company as an organization tax; and,

Whereas, other foreign railroad corporations must also make proportionately similar payments for the same privileges as the result of said decision, to the increase of the Commonwealth's revenue, and;

Whereas, the Commonwealth should, in equity, pay for said services. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of the Commonwealth and the Attorney General of Kentucky be, and they are hereby authorized to fix and allow a reasonable fee to said A. D. Cole for his services in the premises, not exceeding ten per cent of the amount covered into the Treasury as the result of the said decision; and when the amount of said fee shall be fixed by the Governor and the said Attorney General, the Auditor is authorized and directed to draw his warrant on the Treasurer in favor of said A. D. Cole for said amount in payment thereof.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Joe Hall	Charles D. McCrea
Eugene G. Asher	Elwood Hamilton	C. B. Nichols
George Baker	V. D. Hammond	Luther C. Owings
J. M. Bean	L. B. Herrington	William A. Perry
Eli Berry	A. B. Holland	John A. Polin
A. V. Bertram	John W. Holland	Stanley F. Reed
Thos. M. Bertram	R. Dillard Hunter	S. L. Robertson
E. Bishop	Earl C. Huntsman	H. A. Schoberth
Wallace Brown	Green R. Keller	Robt. H. Scott
C. W. Burton	John G. Kelley	W. A. Shawler
G. E. Carroll	Charles H. Knight	Adam Spahn
Sidney G. Clay	William J. Kuh	A. H. Stamper
W. L. Craig	James A. Leach	C. B. Thompson
Francis B. Douglas	J. Albert Leach	E. B. Thompson
G. L. Drury	F. A. Lochry	Yeaman Watkins
J. H. Elder	Hugh Mahin	J. H. Williams
John M. Farra	Emanuel Meyer	B. S. Wilson
John F. Fryer	Harry J. Meyers	Charles Yancy
T. J. Gregory	S. F. Middleton	—56

Those who voted in the negative were—

John F. Brewer	W. E. King	S. H. Rogers
Henry Chunn	M. C. Kirk	W. Scott Smith
Allie T. Gaines	R. C. McClure	David W. Wiley
D. Clarence Gray	W. N. McCubbin	
W. J. Jackson	W. F. Parker	—13

Resolved that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed a bill of the following title, viz.:

S. B. 356. An act for the benefit of the Western Kentucky State Normal School and authorizing the Board of Regents for Normal School District No. 2, to hold the title of certain real estate and sell or convey the same and to borrow money and mortgage said real estate to secure such indebtedness.

Said bill was ordered printed and referred to the Committee on State University and Normal Schools.

Mr. Hamilton moved that the House adjourn this afternoon, it be to meet at 7:30 o'clock tonight.

Said motion was agreed to.

Mr. Hamilton moved this afternoon's session be extended until the report of the Committee on Enrollments is received and completed.

Said motion was agreed to.

Mr. Jackson moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled:

H. B. 175. An act authorizing the Fiscal Court of each county to purchase such official records, blanks, stationery and office supplies as are necessary in the transaction of official business and for which there is now no provision of law authorizing the purchasing of said articles.

M. Keller moved that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 488. An act to authorize the Governor to appoint a commission of five veterans to attend the fiftieth anniversary of the battle of Gettysburg to be held on the battle ground July 1st, 2nd, 3rd and 4th, 1913.

Said bill reads as follows, viz.:

Whereas, the great State of Pennsylvania has decided to celebrate, with due dignity and importance, the fiftieth anniversary of the Battle of Gettysburg, which has been regarded as the turning point of the great Civil War, and has extended such a sincere, cordial and fraternal invitation to not only the participants in that memorable and sanguinary contest, but to all soldiers who worthily wore the blue or the gray, to participate therein, that the gallant commander of the surviving remnant of the United Confederate Veterans has felt constrained to accept the invitation, in the spirit in which it was given, and with the hope and belief that it may promote the patriotic purpose of reuniting the sections of this great country in the bonds of perpetual friendship and unity, and

Whereas, this Legislature, fresh from the people, desire to place themselves on record as the representatives of all brave and chivalrous Kentuckians, that we heartily commend the spirit in which we believe this invitation to have been extended and regard it a duty to respond as best we may to this genuine overture of our former foes, destined, we trust, under the providence of God, henceforth to be our brethren, therefor,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be authorized to appoint a commission to consist of five members to represent the State of Kentucky at the Gettysburg reunion, and that their actual expenses shall be paid, on itemized account approved by the Governor, out of any money in the State Treasury not otherwise appropriated.

§ 2. That this act shall take effect and be in force from and after its passage.

Mr. Keller offered the following amendment to said bill:

Amend by adding as Section 2 the following:

Section 2. The Governor shall be a member of said Commission and be ex-officio chairman and his actual expenses shall be paid as other members of the commission.

Amend Section 2 by numbering it as Section 3.

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Elwood Hamilton	R. C. McClure
Robert H. Akin	A. B. Hatton	Charles D. McCrea
George Baker	L. B. Herrington	C. B. Nichols
J. M. Bean	A. B. Holland	Luther C. Owings
Eli Berry	John W. Holland	J. R. Paxton
A. V. Bertram	James R. Howell	William A. Perry
Thos. M. Bertram	Earl C. Huntsman	Marion F. Pogue
E. Bishop	W. J. Jackson	John A. Polin
H. C. Blades	Green R. Keller	Stanley F. Reed
Wallace Brown	John G. Kelley	S. L. Robertson
C. W. Burton	W. E. King	Robt. H. Scott
G. E. Carroll	M. C. Kirk	Walter S. Sinclair
George P. Chinn	Charles H. Knight	Adam Spahn
Henry Chunn	William J. Kuh	John G. Stoll
Sidney G. Clay	James A. Leach	C. B. Thompson
W. L. Craig	F. A. Lochry	Louis B. Tieman
Elkanah Dickey	Hugh Mahin	Yeaman Watkins
J. H. Elder	B. J. Matthews	B. S. Wilson
John M. Farra	Emanuel Meyer	Charles Yancy
John F. Fryer	Harry J. Meyers	—61
Joe Hall	S. F. Middleton	

Those who voted in the negative were—

John F. Brewer	T. J. Gregory	W. Scott Smith
D. Clarence Gray	W. F. Parker	David W. Wiley
		—6

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 463. An act providing for the payment of premiums on bonds executed by certain State officers.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a State officer, elected by the voters of the State-at-large, and who is required under the law to give a bond for the faithful discharge of his duties shall have such bond executed by an incorporated surety company authorized to do business in the State of Kentucky as surety, the State shall pay the premium on such bond, and said premium shall become a claim against the State, and shall be paid as other claims are paid; provided, that before any such claim is paid it shall be verified by the affidavit of the officer for whom such bond was executed; provided, however, that the surety and the amount of premium to be paid on the bond shall first be approved by the Governor of Kentucky.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	J. H. Elder
Robert H. Akin	G. E. Carroll	Eli Farmer
Eugene G. Asher	George P. Chinn	John M. Farra
George Baker	Henry Chunn	S. Walton Forgy
J. M. Bean	Sidney G. Clay	John F. Fryer
Eli Berry	Elkanah Dickey	Elwood Hamilton
Wallace Brown	G. L. Drury	V. D. Hammond

A. B. Hatton	J. Albert Leach	S. L. Robertson
A. B. Holland	F. A. Lochry	Robt. H. Scott
John W. Holland	Hugh Mahin	W. Scott Smith
James R. Howell	Emanuel Meyer	Adam Spahn
R. Dillard Hunter	Harry J. Meyers	John G. Stoll
Earl C. Huntsman	S. F. Middleton	C. B. Thompson
W. J. Jackson	Charles D. McCrea	D. B. Thurman
Green R. Keller	C. B. Nichols	Louis B. Tieman
John G. Kelley	Ben E. Niles	J. H. Williams
M. C. Kirk	Luther C. Owings	B. S. Wilson
Charles H. Knight	W. F. Parker	Charles Yancy
William J. Kuh	William A. Perry	—58
James A. Leach	W. A. Price	

Those who voted in the negative were—

E. Bishop	B. J. Matthews	S. H. Rogers
John F. Brewer	W. N. McCubbin	W. A. Shawler
D. Clarence Gray	J. R. Paxton	Yeaman Watkins
T. J. Gregory	John A. Polin	David W. Wiley
Joe Hall	Stanley F. Reed	—14

Resolved that the title thereof be as aforesaid.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 24. An act to create the Thirty-sixth Judicial District of Kentucky, to change the Fourteenth Judicial District and to provide for the holding of courts in the said Thirty-sixth Judicial District.

H. B. 38. An act to amend Section 3783, Kentucky Statutes, relating to the salaries of patrols of counties having a population of over one hundred and fifty thousand inhabitants.

H. B. 244. An act to regulate the business of insuring or guaranteeing burial or burial expenses.

S. Res. 23. Resolution for the payment to the widow of the late Thomas Corbett, the salary due for services in the Auditor's office from March 1, 1900, to June the 15th, 1900, at the rate of $100 per month.

S. B. 55. An act to provide for inspection of schools and school funds of the State and increase the efficiency of the Department of Education.

S. B. 110. An act for the benefit of Mrs. William Cromwell.

S. B. 288. An act to create the Tenth Judical District so as to include Metcalfe County in said district.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by

the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

And then the House recessed until 7:30 o'clock tonight.

NIGHT SESSION.

At 7:30 o'clock the House reconvened.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled:

H. B. 79. An act to enable counties or parts of counties to erect and furnish schoolhouses and to provide the money therefor by the issuance of bonds.

That they had passed a bill which originated in the Senate entitled:

S. B. 359. An act providing for an annual tax on each one hundred dollars of value of the shares of stock in all life insurance companies chartered by and doing business in the State of Kentucky.

Said bill was ordered to be printed and referred to the Committee on Insurance—Life and Accident.

Mr. Niles of the Committee on County Unit and Public Morals to which the same had been referred reported bills of the following titles, viz.:

S. B. 87. An act to amend the charters of cities of the third class.

S. B. 105. An act to amend Section 2557a, Kentucky Statutes, relating to the sale of intoxicating liquors.

S. B. 120. An act making it unlawful to purchase, procure or deliver spirituous, vinous and malt liquors in local option territory.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 542. An act for the benefit of State University, Lexington, Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All laws or parts of laws providing for appointment of students to State University of Kentucky and providing for benefits to same are hereby repealed.

§ 2. Hereafter all students who are residents of the State of Kentucky and who are sufficiently advanced to be classified in any one of the freshman classes of State University, or to enter any one of the short coures prescribed therein, shall be received free of tuition, but an incidental or entrance fee, not to exceed $10, may be charged each student, and an additional fee, not to exceed $5, may be charged each student who may occupy one of the rooms provided by the University, the last fee is for the purpose of covering use of furniture and janitor service. Out of the fees paid in by the

students, railroad fare may be provided for, so as to place students in remote parts of the State on equal footing with students near the University, but no more than one round trip should be provided for in any one year and then only to such sudents as remain a full school year of nine months. For those of limited means who may occupy the rooms furnished by the University, room rent may be provided for out of said fees. In no event shall these benefits be furnished out of the general university funds as heretofore, but must be paid for wholly out of the fees as paid in by the students. The Board of Trustees shall determine as to whether these benefits or any part of them shall be provided. The said board shall provide for a tuition charge against non-resident students, but that charge may be remitted in case of persons in indigent circumstances.

§ 3. That no sub-freshman instruction will hereafter be provided for, except for the purpose of enabling students who are classified in the University courses, or in the short courses, to remove conditions.

§ 4. The University shall have the right of eminent domain. The necessity for the land to be condemned shall be conclusively evidenced by resolution of the Board of Trustees reciting the same. The proceedings for condemnation shall be substantially the same as similar proceedings in the condemning of land for city purposes in cities of the first class.

Mr. Nichols offered the following amendment to said bill:

Amend by adding to Section 4 the following: Provided, however, that the power herein given shall not enable the

University to condemn the home or home tract of the owner of the land.

Said amendment was adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	J. H. Elder	J. Albert Leach
Eugene G. Asher	Eli Farmer	F. A. Lochry
J. M. Bean	John M. Farra	Hugh Mahin
Eli Berry	S. Walton Forgy	B. J. Matthews
A. V. Bertram	Allie T. Gaines	Emanuel Meyer
Thos. M. Bertram	D. Clarence Gray	Harry J. Meyers
E. Bishop	Joe Hall	S. F. Middleton
H. C. Blades	Elwood Hamilton	W. N. McCubbin
Hiram Brown	V. D. Hammond	C. B. Nichols
Wallace Brown	A. B. Hatton	Ben E. Niles
C. W. Burton	L. K. Herrington	Luther C. Owings
G. E. Carroll	A. B. Holland	A. W. Palmer
George P. Chinn	James B. Howell	W. F. Parker
Henry Chunn	W. J. Jackson	John A. Polin
Sidney G. Clay	John G. Kelley	Stanley F. Reed
W. Frank Cole	Charles H. Knight	S. H. Rogers
Elkanah Dickey	William J. Kuh	W. A. Shawler
G. L. Drury	James A. Leach	Walter S. Sinclair

W. Scott Smith	D. B. Thurman	J. H. Williams
Adam Spahn	Yeaman Watkins	Charles Yancy
John G. Stoll	David W. Wiley	—62

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 195. An act to amend an act entitled an act for the government of cities of the first class, approved July 1, 1893, as amended by an act approved February 9, 1894, relating to Executive Boards.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 48 of an act entitled, "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three, and the amendment thereto approved February ninth, one thousand eight hundred and ninety-four, same being designated as Section 2810 of the Kentucky Statutes, as compiled by the Honorable John D. Carroll, be, and the same are hereby, amended by striking therefrom the following language immediately following the words "provided further" in said amended act of February ninth, one thousand eight hundred and ninety-four, to-wit:

"That no person employed in the capacity of civil engineer, deputy, or any other capacity, under the board of public works, or in the capacity of civil engineer under the employ of the city government, except the chief engineer above pro-

vided for, shall receive a salary in excess of one thousand five hundred dollars per annum.''

And by inserting in lieu thereof the following language:

''That no person employed under the board of public works shall receive a salary in excess of one thousand five hundred dollars per annum, except the following: one chief engineer, one first assistant engineer whose salary shall not exceed two thousand five hundred dollars per annum, one assistant engineer whose salary shall not exceed two thousand dollars per annum.''

So that said section, as amended, will read as follows:

''Each of said boards may appoint and, at pleasure, remove a chief of each department under its control. The board of public works shall have the power to appoint a chief engineer for the city and such subordinate engineers as may be necessary; provided, that all applicants for the position of chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the general council and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the office of chief engineer until he shall have passed said examination. In all cases where the examination is made in writing, all the papers shall be filed of public record with the secretary of the board of public works. The general council shall have the power to fix the compensation of the said board of examiners; provided further, that no person employed under the board of public works shall receive a salary in excess of one thousand and five hundred dollars per annum, except the following: one chief engineer, one first assistant engineer whose salary shall not exceed two thousand

five hundred dollars per annum, one assistant engineer whose salary shall not exceed two thousand dollars per annum.

Subordinate officers and employes may be removed or punished by the board on the recommendation of the chief of the department concerned for cause, subject to such regulations as may be prescribed by ordinance or by the board. The cause for the removal of any subordinate as aforesaid must be stated in writing, and be transmitted to the board, and the board may, in its discretion, retain or dismiss such subordinate. No officer or employe shall be removed for political causes. Interference in elections, electioneering, or canvassing for any officer or employe of said board shall be cause for instant removal."

§ 2. This act shall take effect from and after its approval by the Governor, as required by law.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Thos. M. Bertram	G. E. Carroll
Eugene G. Asher	E. Bishop	George P. Chinn
J. M. Bean	H. C. Blades	W. Frank Cole
Eli Berry	Hiram Brown	Elkanah Dickey
A. V. Bertram	C. W. Burton	J. H. Elder

Eli Farmer	James A. Leach	Robt. H. Scott
John M. Farra	F. A. Lochry	W. A. Shawler
Allie T. Gaines	Hugh Mahin	Walter S. Sinclair
D. Clarence Gray	B. J. Matthews	W. Scott Smith
Joe Hall	Emanuel Meyer	Adam Spahn
Elwood Hamilton	Harry J. Meyers	John G. Stoll
V. D. Hammond	S. F. Middleton	C. B. Thompson
L. B. Herrington	W. N. McCubbin	E. B. Thompson
A. B. Holland	Ben E. Niles	D. P. Thurman
R. Dillard Hunter	Luther C. Owings	Yeaman Watkins
W. J. Jackson	W. F. Parker	David W. Wiley
John G. Kelley	William A. Perry	J. H. Williams
M. C. Kirk	John A. Polin	Charles Yancy
Charles H. Knight	W. A. Price	—59
William J. Kuh	Stanley F. Reed	

Those who voted in the negative were—

Henry Chunn

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 307. An act concerning pensions for aged, infirm disabled or retired teachers.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all second class cities in the State of Kentucky there shall be, and is hereby, created a Teacher's Pension Fund, which shall be governed and managed by a Board

of Trustees, to be composed of five members, as follows: One member of the Board of Education of said cities, to be appointed annually by said Board; the Superintendent of Public Schools; one principal, and two teachers, regularly employed in the public schools of said cities. Said principal and teachers shall be elected at a meeting of the public school teachers of said cities on the first Saturday in May of each year, at such time and such place as may be determined by the Board of Education of said cities and thereafter there shall be elected on the first Saturday in May of each year, one principal and two teachers as members of said Board of Trustees. The trustees shall hold their offices until their successors are selected, or elected as above set forth. In the event of a vacancy on said Board, caused by the resignation, sickness, death or disability of either said principal or teachers, then the public school teachers of said city shall, upon call of the President of said Board of Trustees, hold a special meeting and elect a successor or successors. A majority of said Board shall constitute a quorum for the transaction of business, pertaining to said pension fund. Said trustees shall receive no pay for their services as such.

§ 2. Said Board of Trustees shall elect from among its members, as President, Vice President and Secretary. The President shall preside at the meetings of the Board and perform such duties usual to such office. In the absence of the President, the Vice President shall perform his duties. It shall be the duty of the Secretary to keep an accurate record of the preceedings of the Board of Trustees and of the teachers of said city, when acting upon matters with relation to said fund, and to turn over to his or her successor all books and papers pertaining to such office.

The Secretary of the Board of Education shall act as Assistant Treasurer, and it shall be his duty to keep a true

and accurate statement of the accounts of each member with said pension fund; to collect and turn over to the Treasurer of said Board all moneys belonging to said fund, and to render to the Board a monthly account of his transactions. He shall furnish bond in such amount as shall be determined and required by the Board of Trustees of the pension fund, and the Board of Education shall allow him a reasonable compensation for his services. The Treasurer of the Board of Education shall be ex-officio the Treasurer of said Board of Trustees, and he shall receive and hold all moneys belonging to such Teacher's Pension Fund; he shall have the custody of all notes, bonds and other securities belonging to said fund, and shall collect the principal and interest of same, and shall be liable on his bond as City Treasurer for the performance of all duties imposed upon him by this Act, and for the faithful accounting of all money and securities, including principal and interest, which may come into his hands, and which shall belong to such pension fund. And he shall keep a separate account which shall show at all times the true condition of said fund. Said Treasurer shall at the expiration of his term of office account to said Board of Trustees for all moneys, notes, bonds and other securities coming into his hands and for the interest, income, profits, interest rentals and proceeds of and from the same, and he shall turn over to his successor all moneys, notes, bonds and other securities belonging to said fund. The Secretary and Assistant Treasurer shall make a full, true and accurate report of their offices and trusts at each annual meeting of such teachers in May of each year. Their books shall, at all times, be open to inspection by any member of the Board of Trustees.

§ 3. Said Board of Trustees shall have full charge and control of the Teacher's Pension Fund of such second class city, with power to adopt and enforce all needful regulations

governing the same, not inconsistent with this Act. Said fund shall be derived from the following sources:

First: All moneys that may be given to said Board of Trustees or to said fund or the Board of Education of said city, for the use of said Board of Trustees of the Teacher's Pension Fund, by any person or persons. Such Board of Trustees may take by gift, grant, devise, or bequest, any money, choses in action, personal property, real estate or any interest therein, and any such gift, grant, devise or bequest may be absolute, or upon the condition that only the rent, profits and income arising from the same may be applied to the uses and purposes of said fund. Said Board of Trustees shall be authorized to take such gift, grant, bequest and devise under the style of the Board of Trustees of the Teacher's Pension Fund, of such city, and to hold the same, or assign, transfer, or sell the same, whenever proper and necessary, under and by such name.

Second: Every teacher shall be assessed upon his or her salary as follows: One per centum per annum (but not more than ten dollars) upon the salary of every teacher who shall not have taught in excess of fifteen years and two per centum per annum (but not to exceed twenty dollars) upon the salary of every teacher who shall have taught longer than fifteen years. Provided, however, that such assessment shall not be made prior to the twentieth day of September, 1912. And the Assistant Treasurer shall prepare a roll of each of said assessments and place opposite the name of every teacher, the amount assessed against him or her, and shall furnish a copy of such roll to the Treasurer, and the Treasurer of such Board shall, in the months of November and April of each school year, deduct and retain out of the salary going to such teacher the amount of said assessment, and shall give him or her credit for the same and

place the same to the credit of said Teacher's Pension Fund. Every white teacher of such city receiving a salary of four hundred dollars a year, or more, shall pay such assessment, and, in becoming a teacher, he or she shall be conclusively deemed to undertake and agree to pay the same and to have such assessment deducted from his or her salary, as herein before provided.

Third: The Board of Education of such second class city shall, in addition to all other amounts authoried by law, add one-half cent on each one hundred dollars of taxable property to such requisition on the General Council, which shall be collected as other taxes are collected by law, and which shall be credited by the Treasurer of said city to the said Teacher's Pension Fund, and shall not be used or devoted to any other than the purposes of said fund. And nothing in this Act shall be deemed to take from the Board of Education the powers given to said Board in relation to the levy of taxes under existing statutes.

§ 4. The Board of Trustees of said Teacher's Pension Fund shall determine what part of said fund may be safely invested, and how much shall be retained for the immediate demands, needs and exigencies of such fund. Such investments shall be made: (1) In interest bearing bonds of the United States, or of the State of Kentucky, or in any bonds lawfully issued by any State or municipality, either within or without the State of Kentucky; (2) Loans secured by real estate within the county wherein such city is located, which loans shall be not in excess of fifty per centum of the appraised value of such real estate. All bonds, mortgages and other securities shall be deposited with and remain in the custody of the Treasurer of said Board, who shall collect all interest due thereon and all the income therefrom, as the same shall become due and payable.

§ 5. The Board of Trustees of said Teacher's Pension Fund shall establish a sinking fund, to the credit of which shall be put and deposited all gifts, grants, devises and bequests, and the unexpended balance remaining at the close of each fiscal year. And such sinking fund shall be and remain a permanent fund, and no part thereof shall be expended except the interest and income thereof and therefrom; provided, however, that one-half of the amount added to such sinking fund during any year may be used, if necessary, during the year immediately following.

§ 6. Said Teacher's Pension Fund shall be used and devoted in the manner following:

First—The maximum pension to be paid to any teacher shall be six hundred dollars ($600) per annum, which shall be based upon a service of thirty (30) years as such teacher, and every pensioner and beneficiary of said fund shall be entitled to and receive such percentage of said sum of $600, as the number of years of teaching of said pensioner and beneficiary shall bear to the term of thirty years, subject, however, to all the provisions of this act.

Second—Any aged, infirm, diseased, or disabled teacher who is now, or may be hereafter teaching in the public schools of said city, having served as such teacher for not less than fifteen years, shall be entitled to receive a disability pension, provided such Board of Trustees shall find that he or she is entitled to the same by reason of such age, disease, infirmity or disability; and after such applicant for a pension shall have been examined by a physician selected for such purpose by said Board of Trustees, the examination fee or charge of such physician to be paid by the applicant and provided further that no such pension shall be paid until any sick pay allowed or provided for by said Board of Education of such city shall have ceased.

Third—And teacher who is now or hereafter may be teaching in the public schools of such city, and shall have taught for not less than twenty-five years, may be pensioned upon application to said Board of Trustees, or may be pensioned by such board without application, and shall thereafter receive a pension during the remainder of his or her life, subject, however, to all the conditions contained in this act; provided, that such pensioner shall have paid into said fund, by way of assessment or otherwise, not less than one-third of the amount to which he or she shall be entitled per annum as a pensioner. And in order to make up such one-third the Board of Trustees may order the Treasurer to deduct one-half thereof each of the first two years from the amount of such pension.

§ 7. In computing service in years as provided in this act the Board of Education may include services as a public school teacher rendered outside of such city, not, however, in excess of five years, as a portion of such services necessary before any teacher shall be entitled to any of the benefits of this act; provided, however, that said teacher shall pay assessments based upon the first annual salary received by him or her in the schools of such city for said years of service elsewhere, in addition to the assessments paid by such teacher while in the service of such schools before receiving any retirement pension; and provided, further, that nothing in this section shall affect the amount or amounts to be paid into such fund by school teachers before being permitted to become a pensioner. And any teacher may be given a leave of absence for study, professional improvement, or temporary disability, not exceeding one year at any one time, and shall be regarded as a teacher and entitled to the benefits of this act;* provided, that, during such absence, he or she continues to pay into such fund the amount of assessment payable by such teacher the last year preceding such leave of absence.

*Amended to read that teachers on leave of absence for professional improvement shall receive no pension during such absence, but the year shall count on record.

§ 8. After any teacher shall have been pensioned by reason of injury, disability or disease, the Board of Trustees shall have the right to cause such teacher to be brought before the Board and examined by the physician and also to examine other witnesses for the purpose of ascertaining whether such injury, disability or disease shall still continue and whether such teacher shall continue on the pension roll. Such teacher shall be entitled to notice and to be present at hearing of any such evidence; shall be permitted to propound any question pertaining or relevant to such matter and shall have a right to introduce evidence in his or her own behalf. Such teacher and all witnesses shall be examined under oath and any member of the Board of Trustees is hereby authorized and empowered to administer such oath. The decision of such Board of Trustees shall be final and conclusive and no appeal shall be allowed therefrom, nor shall the same be reviewable by any court or other authority; provided, however, that every pensioned teacher shall report to the Superintendent of Public Schools whenever required to do so. And said Superintendent may assign such duties or employment to such pensioned teacher as he or she may be able to perform, in the judgment of the Superintendent and the examining physician employed by said Board of Trustees. And during the time of such employment such teacher shall receive the regular salary therefor, which shall be credited and deducted from the amount payable to such teacher from the pension fund. And should any pensioned teacher recover from his or her disability and again be ready for regular duty, then such teacher may again be regularly employed, and during the time of such employment he or she shall cease to be entitled to any

payment out of such pension fund because of the injury, disease or disability on account of which such teacher was originally retired.

§ 9. Any teacher applying to be pensioned by reason of length of time of service, as in this act provided, shall be pensioned and retired without any medical examination, nor need he or she be under any physical disability, and from the time of such pension and retirement, such teacher shall not be required to render further service as such teacher, nor shall he or she be deprived of the benefits herein provided, except for any cause contained in Section 16 of this act.

§ 10. In computing time under the provisions of this act, such time shall include services rendered before, as well as after, the taking effect of this act.

§ 11. The Board of Trustees shall have power and authority to make all necessary by-laws, providing for the manner of such trustees to be elected as in this act provided, the counting and canvassing the votes for the same, their meetings for the collection of all moneys or other property coming or belonging to said fund, and all other matters connected with the care, preservation and disbursement of the same, and the proper execution of the purposes and provisions of this act. And any pension authorized by the board under this law shall be subject to reduction by said Board of Trustees, whenever in its judgment the condition of the pension fund, the financial or other conditions of the pensioner or any other circumstances render such reduction advisable, proper or necessary and any pension so reduced may thereafter be restored or increased as such Board may deem best.

§ 12. Any teacher who shall cease to teach in the public schools of such city before receiving any benefits from the

fund, shall be entitled to a return of one-half of the amount she may have paid into this fund without interest; provided, however, should such teacher thereafter again teach in the public schools of such city, he or she shall refund to said pension fund the amount so returned to such teacher within one year from the date of his or her return to service in the public schools. And should any teacher die before receiving any of the benefits or pensions by this act provided, the Board of Trustees shall pay to such teacher's heirs, or estate or either of them, as it shall see fit, one-half of the amount, without interest, which shall have been paid into such pension fund by said teacher.

§ 13. If at any time there should not be sufficient money in or to the the credit of said teacher's pension fund to pay all claims against it in full, then and in such event an equal percentage shall be paid upon all such claims to the full extent of the funds on hand, until such pension fund shall be sufficient to pay all claims against it in full.

§ 14. All pensions herein provided for shall be paid in the same way and at the same time as the teachers of said city shall be paid; provided, however, that no pension of any kind whatsoever, provided for in this act, shall be paid prior to January 20, 1913.

§ 15. All pensions granted and payable out of said teacher's pension fund shall be and are exempt from seizure or levy upon attachment, execution or any other process; and such pension or any payment of the same shall not be subject to sale, assignment or transfer by any beneficiary, and such transfer shall be absolutely void.

§ 16. Whenever any person who shall have received any benefit from said fund shall fail to report for examination for

duty, as required herein, unless excused by the Board of Education of such city or shall disobey the requirements of such Board of Trustees of such pension fund in respect to said examination for duty, or shall fail to perform such duty as may be required of him or her, if found able to perform such duty, then such Board shall order that the pension allowed and paid to him or her shall cease until the further order of said Board.

§ 17. The term "teacher" in this act shall mean and include any principal, assistant principal, supervisor, assistant supervisor and any teacher regularly employed by the Board of Education of such city.

§ 18. This act shall take effect from and after its passage and approval by the Governor.

Mr. Stoll offered the following amendments to said bill:

Amend House Bill No. 307 by striking out the word "five" after the word "of" in line 4 of Section 1 and inserting in lieu thereof the word "seven," and by striking out the word "two" after the word "and" in line 6 and inserting in lieu thereof the word "four," and by striking out the word "two" after the word "and" in line 12 and inserting in lieu thereof the word "four," so that said section when amended shall read as follows:

§ 1. That in all second class cities in the State of Kentucky there shall be created a Teacher's Pension Fund, which shall be governed and managed by a Board of Trustees, to be composed of seven members, as follows: One member of the Board of Education of said cities, to be appointed annually by said Board; the Superintendent of Public Schools; one principal, four teachers, regularly employed in the public schools of said cities. Said principal and

teachers shall be elected at a meeting of the public school teachers of said cities on the first Saturday in May of each year, at such time and such place as may be determined by the Board of Education of said cities and thereafter there shall be elected on the first Saturday in May of each year, one principal and four teachers as members of said Board of Trustees. The trustees shall hold their offices until their successors are selected or elected as above set forth. In the event of a vacancy on said Board, caused by resignation, sickness, death or disability of either said principal or teachers, then the public school teachers of said city shall, upon call of the President of said Board of Trustees, hold a special meeting and elect a successor or successors. A majority of said Board shall constitute a quorum for the transaction of business, pertaining to said pension fund. Said trustees shall receive no pay for their services as such.

Amend Section 3 by striking out the word "white" after the word "every" in line 3 on page 5 of the printed bill, so that said section when amended shall read as follows:

Said Board of Trustees shall have full charges and control of the Teacher's Pension Fund of such second class city, with power to adopt and enforce all needful regulations governing the same, not inconsistent with this act. Said fund shall be derived from the following sources:

First: All moneys that may be given to said Board of Trustees or to said fund or the Board of Education of said city, for the use of said Board of Trustees of the Teacher's Pension Fund, by any person or persons. Such Board of Trustees may take by gift, grant, devise, or bequest, any money, choses in action, personal property, real estate or any interest therein, and any such gift, grant, devise or bequest may be absolute, or upon the condition that only the rent, profits and income arising from the same may be ap-

plied to the uses and purposes of said fund. Said Board of Trustees shall be authorized to take such gift, grant, bequest and devise under the style of the Board of Trustees of the Teacher's Pension Fund, of such city, and to hold the same or assign, transfer, or sell the same, whenever proper and necessary, under and by such name.

Second: Every teacher shall be assessed upon his or her salary as follows: One per centum per annum (but not more than ten dollars) upon the salary of every teacher who shall not have taught in excess of fifteen years and two per centum per annum (but not to exceed twenty dollars) upon the salary of every teacher who shall have taught longer than fifteen years. Provided, however, that such assessment shall not be made prior to the twentieth day of September, 1912. And the Assistant Treasurer shall prepare a roll of each of said assessments and place opposite the name of every teacher, the amount assessed against him or her, and shall furnish a copy of such roll to the Treasurer, and the Treasurer of such Board shall, in the months of November and April of each school year, deduct and retain out of the salary going to such teacher the amount of said assessment, and shall give him or her credit for the same and place the same to the credit of said Teacher's Pension Fund. Every teacher of such city receiving a salary of Four Hundred Dollars a year, or more, shall pay such assessment, and, in becoming a teacher, he or she shall be conclusively deemed to undertake and agree to pay the same and to have such assessment deducted from his or her salary, as hereinbefore provided.

Third: The Board of Education of such second class city shall, in addition to all other amounts authorized by law, add one-half cent on each one hundred dollars of taxable property to such requisition on the General Council, which shall be collected as other taxes are collected by law,

and which shall be credited by the Treasurer of said city to the said Teacher's Pension Fund, and shall not be used or devoted to any other than the purposes of said fund. And nothing in this act shall be deemed to take from the Board of Education the powers given to said Board in relation to the levy of taxes under existing statutes.

Amend Section 11 by striking therefrom all of said section commencing with the word "and" in line 8 thereof down to and including the word "best" in line 14 thereof.

Amend by striking out the whole of Section 13.

Said amendments were adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed. The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	C. W. Burton	J. H. Elder
J. M. Bean	G. E. Carroll	Eli Farmer
Eli Berry	George P. Chinn	John M. Farra
A. V. Bertram	Henry Chunn	S. Walton Forgy
Thos. M. Bertram	Sidney G. Clay	Allie T. Gaines
E. Bishop	W. Frank Cole	Elwood Hamilton
Hiram Brown	Elkanah Dickey	V. D. Hammond
Wallace Brown	G. L. Drury	L. B. Herrington

A. B. Holland	W. N. McCubbin	W. Scott Smith
John W. Holland	Ben E. Niles	Adam Spahn
R. Dillard Hunter	Luther C. Owings	John G. Stoll
M. C. Kirk	William A. Perry	C. B. Thompson
William J. Kuh	W. V. Perry	D. P. Thurman
James A. Leach	John A. Polin	Yeaman Watkins
F. A. Lochry	W. A. Price	J. H. Williams
Hugh Mahin	Stanley F. Reed	B. S. Wilson
B. J. Matthews	H. A. Schoberth	Charles Yancy
S. F. Middleton	Walter S. Sinclair	—53

Those who voted in the negative were—

D. Clarence Gray	W. A. Shawler
W. J. Jackson	David W. Wiley —4

Resolved that the title thereof be as aforesaid.

Mr. Wallace Brown of the Committee on Rules called up from the Clerk's desk a resolution entitled,

H. Res. 21. Resolution providing for furnishing official manuals.

Said resolution reads as follows, viz.:

Resolution providing for furnishing Official Manuals.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding one dollar per copy five hundred copies of the book entitled "Official Manual" for the use of the Courts, State and County officials, and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly

and such official as may be designated by the presiding officers of the respective Houses, a copy of the same and will furnish the State officials with copies thereof and send a copy thereof to the Clerk of the County Court of each county of the State to be kept in his office. The Librarian will furnish to the Librarian of each State and Territory in the Union a copy of said book in exchange for similar books from the said States and Territories and a copy to the Librarian of Congress.

§ 2. It being necessary that the officials should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin
Eugene G. Asher
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
W. Frank Cole
Elkanah Dickey
G. L. Drury
J. H. Elder
Eli Farmer
John M. Farra
Allie T. Gaines
D. Clarence Gray
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
James R. Howell
W. J. Jackson
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
W. F. Parker
William A. Perry
John A. Polin

W. A. Price	Walter S. Sinclair	David W. Wiley
Stanley F. Reed	Adam Spahn	J. H. Williams
S. H. Rogers	John G. Stoll	Charles Yancy
W. Scott Smith	D. P. Thurman	—58

Resolved that the title thereof be as aforesaid.

Mr. Wallace Brown of the Committee on Rules called up for consideration from the Orders of the Day a bill entitled,

H. B. 71. An act prescribing the liability of an employer to make compensation for injuries received by on employe in the course of his employment.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Compensation by action at law.

1. When personal injury is caused to an employe by accident arising out of and in the course of his employment, of which the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he shall receive compensation therefor from his employer, provided the employe was himself not wilfully negligent at the time of receiving such injury, and the question of whether the employe was wilfully negligent shall be one of fact to be submitted to the jury, subject to the usual superintending powers of a court to set aside a verdict rendered contrary to the evidence.

2. The right to compensation as provided by Section 1 of this act, shall not be defeated upon the ground that

the injury was caused in any degree by the negligence of a fellow employe; or that the injured employe assumed the risks inherent in or incidental to or arising out of his employment or arising from the failure of the employer to provide and maintain safe premises and suitable appliances; which said grounds of defense are hereby abolished.

3. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract, written or verbal, with a subcontractor to do all or any part of such work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer under this act for injury caused to an employe of such contractor or subcontractor by any defect in the conditions of the ways, work, machinery or plant if the defect arose or had not been discovered and remedied through the negligence of the employer or some one entrusted by him with the duty of seeing that they were in proper condition. This paragraph shall apply only to actions arising under Section 1.

4. In all actions at law brought pursuant to Section 1 of this act, the burden of proof to establish wilful negligence in the injured employe shall be upon the defendant.

5. No claim for legal services or disbursements pertaining to any demand or suit brought under the provisions of this act shall be an enforceable lien against the amount paid as compensation, unless the same be approved in writing by the judge or justice presiding at the trial, or in case of settlement without trial, by the judge of the circuit court of the district in which such issue arose; provided, that if notice in writing be given the defendant of such claim for legal services or disbursements, the same shall be a lien

against the amount paid as compensation subject to determination of the amount and approval hereinbefore provided.

Mr. J. W. Holland moved that said bill be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. J. W. Holland and Williams were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	V. D. Hammond	W. F. Parker
Eugene G. Asher	A. B. Hatton	W. A. Price
A. V. Bertram	John W. Holland	W. A. Shawler
H. C. Blades	R. Dillard Hunter	Walter S. Sinclair
John F. Brewer	W. J. Jackson	John G. Stoll
Hiram Brown	W. E. King	E. B. Thompson
C. W. Burton	M. C. Kirk	D. B. Thurman
G. E. Carroll	J. Albert Leach	Yeaman Watkins
J. H. Elder	B. J. Matthews	David W. Wiley
Eli Farmer	Harry J. Meyers	Charles Yancy
S. Walton Forgy	W. N. McCubbin	—34
Joe Hall	C. B. Nichols	

Those who voted in the negative were—

Eli Berry	L. B. Herrington	Stanley F. Reed
Thos. M. Bertram	A. B. Holland	S. H. Rogers
E. Bishop	James R. Howell	H. A. Schoberth
Wallace Brown	John G. Kelley	Robt. H. Scott
George P. Chinn	William J. Kuh	W. Scott Smith
Henry Chunn	F. A. Lochry	Adam Spahn
Sidney G. Clay	Emanuel Meyer	C. B. Thompson
Elkanah Dickey	S. F. Middleton	J. H. Williams
G. L. Drury	Ben E. Niles	B. S. Wilson
John M. Farra	Luther C. Owings	Speaker Terrell
D. Clarence Gray	William A. Perry	—35
Elwood Hamilton	W. V. Perry	

Sundry amendments were offered to said bill as follows, viz.:

By Mr. Hamilton.

1. Amend Section 1 by adding after the word "employe" the following: "Employed by a person or corporation engaged in a hazardous business."

By Mr. Drury.

2. Amend Section 2 by striking out all of Section 2 after the word "employed" in the third line of said section.

By Mr. Clay.

3. Amend by striking out Section 2.

By Mr. Schoberth.

4. Amend by adding the following section: "The provisions of this act shall only apply to corporations and public service companies doing business in this State."

By Mr. J. W. Holland.

5. Amend House Bill No. 71 by striking Section 4 therefrom.

By Mr. Herrington.

6. Amend by striking out Section 5.

By Mr. H. J. Meyers.

7. Amend by adding, "In all settlements or recoveries under this act, attorney's fees shall not exceed ten per centum of the amount received in settlement or judgment."

By Mr. Wallace Brown.

8. Amend House Bill No. 71 by striking from Section 1, line 6 the word "wilfully" and strike out of line 8 of same section the word "wilfully."

By Mr. Matthews.

9. Amend by striking out Section 3 of House Bill 71.

By Mr. B. S. Wilson.

10. Amend Section 1 by inserting in line 2 the words "death or" after the word "when," and by inserting in line 5 thereof the words, "or his estate" after the word "he" and before the word "shall."

By Mr. Wallace Brown.

11. Amend House Bill No. 71 by striking from line 6 Section 1 the word "wilfully" and from line 8 of same section the word "wilfully" and strike from Section 2 all the words after word "employe" in line 13, and further strike out Sections 3, 4 and 5.

All of said amendments were severally adopted except No. 4 above named which was offered by Mr. Schoberth, which said amendment was disagreed to.

Mr. J. W. Holland moved that said bill as amended be laid on the table.

Said motion was agreed to.

The yeas and nays being required by Messrs. W. V. Perry and C. B. Thompson were as follows, viz.:

Those who voted in the affirmative were—

Eugene G. Asher	John W. Holland	W. N. McCubbin
A. V. Bertram	James R. Howell	C. B. Nichols
H. C. Blades	R. Dillard Hunter	W. F. Parker
John F. Brewer	W. J. Jackson	W. A. Price
G. E. Carroll	John G. Kelley	W. A. Shawler
Henry Chunn	W. E. King	Walter S. Sinclair
Eli Farmer	M. C. Kirk	John G. Stoll
S. Walton Forgy	Charles H. Knight	E. B. Thompson
D. Clarence Gray	James A. Leach	Yeaman Watkins
Joe Hall	B. J. Matthews	David W. Wiley
V. D. Hammond	Harry J. Meyers	Charles Yancy
A. B. Hatton	R. C. McClure	—53

Those who voted in the negative were—

Robert H. Akin	John M. Farra	Marion F. Pogue
Eli Berry	Elwood Hamilton	Stanley F. Reed
Thos. M. Bertram	L. B. Herrington	S. H. Rogers
E. Bishop	William J. Kuh	Robt. H. Scott
Hiram Brown	F. A. Lochry	W. Scott Smith
Wallace Brown	Emanuel Meyer	Adam Spahn
George P. Chinn	S. F. Middleton	C. B. Thompson
Sidney G. Clay	Ben E. Niles	J. H. Williams
Elkanah Dickey	Luther C. Owings	B. S. Wilson
G. L. Drury	William A. Perry	—29
J. H. Elder	W. V. Perry	

And so said bill was rejected.

At eleven o'clock p. m. Mr. J. W. Holland moved that this House do now adjourn.

Said motion was agree to.

And then the House adjourned.

FRIDAY, MARCH 8, 1912.

The House was opened with prayer by the Rev. C. C. Penick of the Protestant Episcopal Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Pogue offered the following resolution, viz.:

Resolved, That during the last few days of the session the Clerk of the House is authorized to employ such extra assistance as may be necessary to properly care for and promptly dispatch all business. The Auditor is hereby directed to draw his warrant upon the Treasurer for such extra expense when certified to him by said Clerk, as a necessary contingent expense of the House.

Said resolution was adopted.

Mr. Forgy moved that the rules be suspended in order that he may introduce and have considered the following resolution, viz.:

Joint Resolution providing for the appointment of a State Tax Commission, providing for the payment of the necessary expenses thereof, and appropriating money therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there shall be appointed by the House and Senate a joint commission, to be known as the State Tax Commission, three members of which shall be appointed by the Speaker of the House from the House of Representatives, three by the President of the Senate from the Senate, and three by the Governor of this State. All of said commission shall be persons familiar with revenue and taxation and the laws relating thereto. Said commission shall investigate the revenue and taxation in force in this State and recommend a plan for the revision thereof. Said commission shall investigate the sources of revenue in this State and what requirements are necessary, if any, and shall also investigate the laws of other States.

§ 2. Said commission is authorized and empowered to do any and all things necessary to make a full and complete investigation of the things hereinbefore enumerated and to that end said commission is authorized to employ an expert in taxation and public finance, for a period not exceeding six months, whose salary shall not exceed $250 per month, and they are also authorized to employ a stenographer, when such services are actually needed.

The members of said commission shall be paid their necessary expenses while actually engaged in the performance of their duties under the provisions of this act. The members of the commission shall present a sworn statement to the Governor of this State as to the expenses incurred by them, and for the expert and stenographic assistance, and the Governor shall direct the Auditor to pay same.

Said Commission shall make a written report of its findings to the Governor not later than January 1, 1913, and said report shall be given to the newspapers of the Commonwealth for publication in order that the voters may use the

information as a basis for their own study and investigation before being called upon to vote at the succeeding November election on the Constitutional Amendment for tax revision which this General Assembly has submitted for adoption or rejection by the people at the election of November, 1913. Said Commission shall also make a full report to the General Assembly of 1914, whereupon the existence of the Commission shall terminate.

Said motion was agreed to.

And said resolution was taken up for consideration.

Mr. Atherton offered the following amendment to said resolution, viz.:

Amend by providing the Speaker of the House of Representatives may appoint two members from the House of Representatives and the President of the Senate may appoint two members from the Senate and the Governor may appoint one member from the State at large.

Said amendment was agreed to.

Said resolution was then read and as amended was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Wallace Brown	Francis B. Douglas
P. L. Atherton	George P. Chinn	G. L. Drury
J. M. Bean	Sidney G. Clay	J. H. Elder
E. Bishop	Sidney J. Collins	John M. Farra

S. Walton Forgy
John F. Fryer
T. J. Gregory
Joe Hall
Elwood Hamilton
A. B. Hatton
A. B. Holland
John W. Holland
James R. Howell
Earl C. Huntsman
W. E. King
M. C. Kirk
Charles H. Knight
James A. Leach
B. J. Matthews
Emanuel Meyer
S. F. Middleton
R. C. McClure
Charles D. McCrea
Ben E. Niles
Luther C. Owings
William A. Perry
W. V. Perry
John A. Polin
W. A. Price
Stanley F. Reed
Robt. H. Scott
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
D. B. Thurman
Louis B. Tieman
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
Speaker Terrell
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Those who voted in the negative were—

Robert H. Akin
Eugene G. Asher
George Baker
A. V. Bertram
Thos. M. Bertram
John F. Brewer
Hiram Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
Henry Chunn
W. Frank Cole
W. L. Craig
Elkanah Dickey
Ben F. Egleston
Eli Farmer
D. Clarence Gray
V. D. Hammond
R. Dillard Hunter
W. J. Jackson
John G. Kelley
William J. Kuh
J. Albert Leach
F. A. Lochry
W. N. McCubbin
A. W. Palmer
W. F. Parker
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
E. B. Thompson
Yeaman Watkins
E. B. Wiley
David W. Wiley
—34

A message was received from the Governor announcing that he had signed and approved bills which originated in the House of Representatives of the following titles, viz.:

H. B. 131. An act to define the duties of the County Surveyor in counties containing more than two hundred thousand population and to provide compensation for them.

H. B. 53. An act appropriating money for the acquisition of additional land for the benefit of the Kentucky State

Fair and to permit the State Board of Agriculture, Forestry and Immigration to donate certain land to the Federal government for the purpose of establishing a fish hatchery.

H. B. 119. An act for the supplying of the records of County Surveyors' offices where same have been burned, lost or destroyed.

H. B. 76. An act establishing and governing a Geological Survey and removing the present Survey from Lexington to Frankfort.

A message was received from the Senate announcing that they passed bills of the following titles, viz.:

1. S. B. 109. An act to provide for the teaching of agriculture in the common schools of the Commonwealth of Kentucky.

2. S. B. 136. An act to amend an act entitled an act to further regulate the Bureau of Agriculture, Labor and Statistics, approved March 17, 1902, and being Section 33a of the Kentucky Statutes.

3. S. B. 188. An act to designate a State Flower and a State Tree.

4. S. B. 278. An act for the benefit of Mrs. L. E. Tandy.

Said bills were ordered to be printed and referred,

1. To Education No. 1.

2. To Committee on Immigration and Labor.

3. To Committee on Forestry.

4. To Committee on Appropriations.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Carroll of the Committee on County and City Courts:

S. B. 309. An act designating the method of selecting a person to act in the absence of, or disqualification of a County Judge.

By Mr. King of the Committee on Immigration and Labor:

S. B. 88. An act to regulate the employment of females in order to safeguard their health.

By Mr. Berry of the Committee on Municipalities:

S. B. 100. An act concerning Circuit Courts having seven judges.

By same:

S. B. 101. An act to authorize and to add one additional judge to the Circuit Court for the Thirteenth Circuit Court District.

By same:

S. B. 239. An act prohibiting the unlawful issuing, selling, exchanging, using or giving away of any transfer ticket

or written or printed instrument giving or purporting to give the right of transfer of any street car or other public conveyance, and pescribing a penalty therefor.

By Mr. Williams of the Committee on Railroads:

S. B. 227. An act to require railroad companies to stop all passenger trains at any station where may be located any State Penitentiary.

By same:

H. B. 547. An act regulating contracts of surety between common carriers and their employees and sureties upon such contracts.

By Mr. Blades of the Committee on State Prisons and Houses of Reform:

S. B. 192. An act to authorize the auditing and provide for the payment of the deficit occasioned by the House of Reform to prohibit the incurrence of debt by said institution in excess of the appropriations for its use and maintenance and to provide a penalty therefor.

By Mr. Nichols of the Committee on State University and Normal Schools:

S. B. 356. An act for the benefit of the Western Kentucky State Normal School, and authorizing the Board of Regents for Normal School District No. 2, to hold the title of certain real estate and sell and convey the same and to borrow money and to mortgage said real estate to secure such indebtedness.

By Mr. Palmer of the Committee on Education No. 2:

S. B. 9. An act to amend and re-enact Section 20 of Chapter 13 of Acts of 1910, entitled an act creating a County Text Book Commission.

By Mr. Howell of the Committee on Insurance—Fire:

S. B. 194. An act to further regulate assessment fire insurance companies.

By Mr. Drury of the Committee on Appropriations:

S. B. 295. An act for the benefit of the West Kentucky Industrial College.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 169. An act to amend Section 1 and Section 7 of an act entitled an act creating and regulating the office of County Treasurer, session acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act which was approved February 27, 1893, and the amendment to said act which became a law March 26, 1904.

S. B. 308. An act to amend Section 217 and Subsection 8 of 217a of Article 1 and Section 272 of Article 11, Chapter 16, Kentucky Statutes, Carroll's 1909 edition, said Chapter being entitled therein Charitable Institutions.

S. B. 287. An act to make an appropriation for securing the birthplace of Jefferson Davis and erect thereon a suitable memorial to his memory.

S. B. 147. An act to protect and regulate the catching of mussel shell in the Ohio river and Kentucky tributaries.

S. B. 229. An act to amend an act entitled an act providing the manner of adding one additional judge to Circuit Courts of continuous session in counties constituting separate districts having one judge and establishing the division thereof approved, March 6, 1906.

S. B. 243. An act to authorize and to add one additional judge to the Circuit Court for the 17th Circuit Court District, providing for the appointment and election thereof.

S. B. 214. An act to repeal an act entitled an act to regulate proceedings in civil actions in Circuit Courts which became a law Mareh 29, 1902, and to re-enact Section 43, 44, 60, 102, 103, 104, 105, 106, 107, 108, 363, 364, 365, 366 and 367 of the Civil Code of Practice.

S. B. 190. An act to regulate the introduction of expert testimony in civil and criminal trials.

S. B. 179. An act to amend Chapter 50 of the acts of 1910 of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

S. B. 180. An act to indemnify the American National Bank of Louisville, Kentucky, for money heretofore advanced for the purpose of maintaining the Kentucky Institution for the Education of the Blind, to prohibit the officers of said in-

stitution from hereafter incurring debt in excess of its appropriations and providing a penalty therefor.

S. B. 107. An act prohibiting the use of public drinking cups.

S. B. 264. An act providing for interchange and transmission of messages between telephone companies.

S. B. 17. An act relative to revenue and taxation, approved March 15, 1906.

S. B. 175. An act to amend Section 4143 of the Kentucky Statutes.

H. B. 551. An act to create the 16th and 19th Senatorial Districts of Kentucky.

S. B. 74. An act to appropriate money to erect and equip a filter and appurtenances thereto for the Eddyville Penitentiary, to construct a concrete arch bridge across Lick Creek for the Eddyville Penitentiary and to finish the tuberculosis hospital for the Eddyville Penitentiary.

S. B. 237. An act to amend Section 330 of the Kentucky Statutes.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. McClure moved that the rules be suspended and that he be permitted to introduce and to have placed upon its adoption the following resolution, viz.:

Joint resolution providing that hold over Senators and members elect of the General Assembly, of 1914, may attend the Greater Kentucky Convention to be held in Louisville on November 12th and 13th, 1913, and providing that they shall be allowed mileage for attending said convention the same as for attending sessions of the General Assembly.

Whereas, a Greater Kentucky Convention, composed of representatives from fiscal courts, municipalities and commercial organizations will be held in Louisville, Kentucky, on November 12th and 13th, 1913, at which time and place subjects of vital interest to the State will be discussed by experienced men, many of which subjects will require the attention of the next General Assembly. Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hold over Senators and members elect to the General Assembly of 1914 are hereby authorized to attend the Greater Kentucky Convention to be held in Louisville on November 12th and 13th, 1913.

§ 2. That each member of the General Assembly including the hold over Senators and the members elect who attend said Convention, shall receive from the State Treasury, the same mileage as members receive for attending sessions of the General Assembly.

A certificate from the Secretary of said Convention shall be sufficient evidence of said attendance.

Said motion was agreed to.

Said resolution was read.

Mr. Keller moved that said resolution be laid on the table.

Said motion was agreed to.

Mr. Asher moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled:

H. B. 159. An act dividing the State into one hundred Representative Districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the State of Kentucky be, and the same is hereby divided into one hundred representative districts, as follows:

The First District shall be composed of the Counties of Fulton and Hickman.

The Second District shall be composed of the Counties of Ballard and Carlisle.

The Third District shall be composed of the County of Graves.

The Fourth District shall be composed of the County of McCracken.

The Fifth District shall be composed of the County of Calloway.

The Sixth District shall be composed of the Counties of Lyon and Marshall.

The Seventh District shall be composed of the Counties of Crittenden and Livingston.

The Eighth District shall be composed of the Counties of Caldwell and Trigg.

The Ninth District shall be composed of the County of Lawrence.

The Tenth District shall be composed of the County of Christian.

The Eleventh District shall be composed of the County of Hopkins.

The Twelfth District shall be composed of the County of Webster.

The Thirteenth District shall be composed of the County of Henderson.

The Fourteenth District shall be composed of the County of Union.

The Fifteenth District shall be composed of that part of Daviess County outside of the corporate limits of the city of Owensboro.

The Sixteenth District shall be composed of that part of Daviess County embraced within the corporate limits of the city of Ownesboro in said county.

The Seventeenth District shall be composed of the County of McLean.

The Eighteenth District shall be composed of the County of Muhlenberg.

The Nineteenth District shall be composed of the County of Todd.

The Twentieth District shall be composed of the County of Logan.

The Twenty-first District shall be composed of the Counties of Perry and Leslie.

The Twenty-second District shall be composed of the Counties of Allen and Simpson.

The Twenty-third District shall be composed of the County of Warren.

The Twenty-fourth District shall be composed of the Counties of Harlan and Letcher.

The Twenty-fifth District shall be composed of the counties of Butler and Edmonson.

The Twenty-sixth District shall be composed of the County of Ohio.

The Twenty-seventh District shall be composed of the County of Grayson.

The Twenty-eighth District shall be composed of the Counties of Breckinridge and Hancock.

The Twenty-ninth District shall be composed of the County of Magoffin.

The Thirtieth District shall be composed of the County of Meade.

The Thirty-first District shall be composed of the County of Hardin.

The Thirty-second District shall be composed of the County of Whitley.

The Thirty-third District shall be composed of the Counties of Larue and Hart.

The Thirty-fourth District shall be composed of the County of Barren.

The Thirty-fifth District shall be composed of the Counties of Metcalfe and Monroe.

The Thirty-sixth District shall be composed of the Counties of Clinton and Wayne.

The Thirty-seventh District shall be composed of the Counties of Adair and Cumberland.

The Thirty-eighth District shall be composed of the Counties of Green and Taylor.

The Thirty-ninth District shall be composed of the County of Nelson.

The Fortieth District shall be composed of the County of Marion.

The Forty-first District shall be composed of the Counties of Bullitt and Spencer.

The Forty-second District shall be composed of the County of Washington.

The Forty-third District shall be composed of the Counties of Casey and Russell.

The Forty-fourth District shall be composed of all that part of Jefferson County embracing the territory of Magisterial Districts Numbers One and Two, outside of the city of Louisville.

The Forty-fifth District shall be composed of all that part of Jefferson County embracing Magisterial Districts Numbers Three and Four.

The Forty-sixth District shall be comopsed of that part of Jefferson County embracing the territory within the First Ward of the city of Louisville.

The Forty-seventh District shall be composed of that part of Jefferson County embracing the territory of the Second Ward of the city of Louisville.

The Forty-eighth District shall be composed of that part of Jefferson County embracing the territory of the Third Ward of the city of Louisville.

The Forty-ninth District shall be composed of that part of Jefferson County embracing the territory of the Fourth and Fifth Wards of the city of Louisville.

The Fiftieth District shall be composed of that part of Jefferson County embracing the territory of the Sixth and Seventh Wards of the city of Louisville.

The Fifty-first District shall be composed of that part of Jefferson County embracing the territory of the Eighth and Ninth Wards of the city of Louisville.

The Fifty-second District shall be composed of the Counties of Oldham and Trimble.

The Fifty-third District shall be composed of the Counties of Carroll and Gallatin.

The Fifty-fourth District shall be composed of the County of Henry.

The Fifty-fifth District shall be composed of the County of Shelby.

The Fifty-sixth District shall be composed of the County of Franklin.

The Fifty-seventh District shall be composed of the Counties of Anderson and Mercer.

The Fifty-eighth District shall be composed of the County of Scott.

The Fifty-ninth District shall be composed of the Counties of Woodford and Jessamine.

The Sixtieth District shall be composed of the County of Owen.

The Sixty-first District shall be composed of that part of the County of Fayette lying outside of the corporate limits of the city of Lexington.

The Sixty-second District shall be composed of that part of the County of Fayette lying within the corporate limits of the city of Lexington.

The Sixty-third District shall be composed of the Counties of Rockcastle and Jackson.

The Sixty-fourth District shall be composed of that part of Jefferson County embracing the territory of the Tenth Ward of the city of Louisville.

The Sixty-fifth District shall be composed of the Counties of Boyle and Garrard.

The Sixty-sixth District shall be composed of the County of Lincoln.

The Sixty-seventh District shall be composed of that part of Jefferson County embracing the territory of the Eleventh Ward of the city of Louisville.

The Sixty-eighth District shall be composed of the County of Pulaski.

The Sixty-ninth District shall be composed of the County of Knox.

The Seventieth District shall be composed of the County of Laurel.

The Seventy-first District shall be composed of the Counties of Clay and Owsley.

The Seventy-second District shall be composed of the County of Madison.

The Seventy-third District shall be composed of the Counties of Estill and Powell.

The Seventy-fourth District shall be composed of the County of Clark.

The Seventy-fifth District shall be composed of the County of Bourbon.

The Seventy-sixth District shall be composed of the County of Harrison.

The Seventy-seventh District shall be composed of the Counties of Grant and Boone.

The Seventy-eighth District shall be composed of the Counties of Lee and Wolfe.

The Seventy-ninth District shall be composed of the Counties of Pendleton and Bracken.

The Eightieth District shall be composed of that part of the County of Kenton lying outside of the corporate limits of the city of Covington.

The Eighty-first District shall be composed of that part of Kenton County embracing the territory within the First, Second, Third, Sixth, Ninth and Tenth Wards of the city of Covington.

The Eighty-second District shall be composed of that part of Kenton County embracing the territory within the

Fourth, Fifth, Seventh and Eighth Wards of the city of Covington.

The Eighty-third District shall be composed of that part of the county of Campbell lying outside of the corporate limits of the city of Newport.

The Eighty-fourth District shall be composed of that part of Campbell County embracing the territory within the corporate limits of the city of Newport in said county.

The Eighty-fifth District shall be composed of that part of the county of Jefferson embracing the Twelfth Ward of the city of Louisville in said county.

The Eighty-sixth District shall be composed of the counties of Nicholas and Robertson.

The Eighty-seventh District shall be composed of the county of Mason.

The Eighty-eighth District shall be composed of the county of Fleming.

The Eighty-ninth District shall be composed of the county of Lewis.

The Ninetieth District shall be composed of the counties of Menifee and Montgomery.

The Ninety-first District shall be composed of the counties of Morgan and Elliott.

The Ninety-second District shall be composed of the county of Breathitt.

The Ninety-third District shall be composed of the county of Bell.

The Ninety-fourth District shall be composed of the counties of Bath and Rowan.

The Ninety-fifth District shall be composed of the county of Pike.

The Ninety-sixth District shall be composed of the counties of Johnson and Martin.

The Ninety-seventh District shall be composed of the counties of Floyd and Knott.

The Ninety-eighth District shall be composed of the county of Boyd.

The Ninety-ninth District shall be composed of the county of Greenup.

The One Hundredth District shall be composed of the county of Carter.

All acts and parts of acts in conflict herewith are hereby repealed.

Mr. J. W. Holland moved that said motion of Mr. Asher be laid on the table.

Said last named motion was agreed to.

The yeas and nays being required thereon by Messrs. Asher and Farmer were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	T. J. Gregory	Luther C. Owings
P. L. Atherton	Elwood Hamilton	W. V. Perry
Eli Berry	V. D. Hammond	Marion F. Pogue
E. Bishop	A. B. Hatton	John A. Polin
H. C. Blades	A. B. Holland	Stanley F. Reed
Wallace Brown	John W. Holland	S. H. Rogers
C. W. Burton	R. Dillard Hunter	Robt. H. Scott
G. E. Carroll	Green R. Keller	Adam Spahn
George P. Chinn	John G. Kelley	C. B. Thompson
Sidney J. Collins	W. E. King	D. P. Thurman
Francis B. Douglas	William J. Kuh	E. B. Wiley
G. L. Drury	James A. Leach	B. S. Wilson
Ben F. Egleston	Hugh Mahin	Charles Yancy
J. H. Elder	S. F. Middleton	Edward L. Young
S. Walton Forgy	C. B. Nichols	
John F. Fryer	Ben E. Niles	—46

Those who voted in the negative were—

William Ahl	Eli Farmer	W. F. Parker
Eugene G. Asher	Allie T. Gaines	W. A. Price
George Baker	Joe Hall	W. A. Shawler
J. M. Bean	Earl C. Huntsman	Walter S. Sinclair
A. V. Bertram	M. C. Kirk	W. Scott Smith
Thos. M. Bertram	F. A. Lochry	John G. Stoll
John F. Brewer	B. J. Matthews	E. B. Thompson
Hiram Brown	Emanuel Meyer	Louis B. Tieman
Wm. L. Bowling	Harry J. Meyers	Yeaman Watkins
Sidney G. Clay	R. C. McClure	J. H. Williams
W. Frank Cole	W. N. McCubbin	—32

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 222. An act to provide for the investigation of fires, in this Commonwealth and to provide for the appointment of a Fire Marshal for the State of Kentucky and for assistants to the Fire Marshal, fixing their powers and

duties also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth including the payment of assistants to the Fire Marshal.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Insurance Commissioner, the Fire Marshal and his assistants hereinafter provided for, the chief of the fire department or chief of police (when no chief of fire department) in cities and towns and the sheriff of the county where such fires occur or conditions exist, outside of incorporated cities or towns, are hereby authorized to investigate the cause, origin and circumstances of every fire occuring in such cities or towns or counties in which property has been destroyed or damaged, and where conditions exist which might cause fire, and may make investigation whether such fires or conditions were or are the result of carelessness or design. A preliminary investigation may be made by the chief of fire department or the chief of police (where no chief of fire department) in incorporated cities and towns, and by the sheriff of the county where such fires occur or conditions exist outside of an incorporated city or town, which shall be begun within three days. not including Sundays, of the occurrence of such fires, and the Insurance Commissioner, the Fire Marshal and his assistants, or any of them, shall have the right to supervise and direct such investigation whenever he or they deem it expedient or necessary. The officer other than the Insurance Commissioner making such investigation of fires or conditions shall forthwith notify the Insurance Commissioner and shall, within thirty days after the occurrence of a fire, investigate it and furnish to the said In-

surance Commissioner or the Fire Marshal a written statement of all the facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as may be called for by the blanks provided by the Insurance Commissioner or the Fire Marshal. (The Fire Marshal shall keep in his office a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires and existing conditions which may be determined by the investigation provided for by this act; such record shall at all times be open to public inspection.)

§ 2. It shall be the duty of the Insurance Commissioner, Fire Marshal and his assistants to examine or cause examination to be made into the cause, circumstances and origin of all fires occuring within the State to which his attention has been called and to any conditions that would be likely to cause fire, in accordance with the provisions of said Section 1 of this act or by interested parties, by which property is or is likely to be accidently or unlawfully burned, destroyed or damaged, whenever in his judgment the evidence is sufficient, and to investigate all cases whether the fire or the condition was or is the result of carlessness or the act of an incendiary. The said Insurance Commissioner, the Fire Marshal or his assistants may fully investigate all circumstances surrounding said fire or conditions, and when in his opinion said proceedings are necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if any party be under suspicion or charged with the crime of arson, he may be represented in person and by an attorney at the examination of any and all witnesses, and if the officer making the examination shall be of the opinion that there is

evidence sufficient to charge any person with the crime of arson or other wilful burning, he shall cause such person to be arrested and charged with such offense, prosecuted and bound over to the Circuit Court; and the county attorney of the county in which the fire occured shall attend and assist in the examination of witnesses when requested by the officer making the examination, and shall receive for his services $10 in each case investigated, where he is present, attends the investigation and examines the witnesses, to be paid out of the fire tax fund as other moneys are paid from said fund. All evidence taken, with names of the witnesses and all information obtained by the officer making the examination, including copy of all pertinent and material testimony taken in the case, shall be furnished to the Commonwealth's Attorney of the district in which said investigation is made.

§ 3. The Insurance Commissioner, the Fire Marshal and his assistants, appointed to conduct such examination, shall have the powers of an examining court for the purpose of summoning and compelling the attendance of witnesses to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation. Said Insurance Commissioner, the Fire Marshal and his assistants may also administer oaths or affirmations to persons appearing as witnesses before him; and false swearing in any matter or proceeding aforesaid shall be deemed purjury and shall be punished as such. Any witness who refuses to be sworn or to affirm, or refuses to testify or who is guilty of any contemptuous conduct after being summoned by said Insurance Commissioner, or Fire Marshal, or his assistants, to appear before them or either of them to give testimony in relation to the matter or subject under investigation, shall be deemed guilty of a misdemeaner, and the said Insurance Commissioner, or Fire Marshal or his assistant, or either of them,

may make complaint against said person or persons before any justice of the peace, police judge, or any court of record in the county in which said investigation is being held, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases, and upon conviction, any such person guilty of a violation of the provisions of this section shall be fined in a sum not exceeding twenty-five dollars. Said Insurance Commissioner, Fire Marshal and his assistants shall have authority at all times of the day or night, in the performance of the duties imposed by this act, to enter upon and examine any building or premises. The investigations held by or under the direction of the Insurance Commissioner, Fire Marshal and his assistants, may, in their discretion, be private, and persons other than those required or permitted to be present by the provision of this act may be excluded from the place where such investigations are held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

§ 4. An officer referred to in this act who shall neglect or refuse to comply with any of the requirements of this act shall be punished by a fine of not less than $25 and not more than $200.

§ 5. Any expenses, including expenses of the Fire Marshal and his assistants, detectives and officers, incurred in carrying out the provisions of this act, and the salaries and compensations hereinafter mentioned shall be defrayed by the fire insurance companies doing business in this State, and a tax of one-half of one per centum on the gross premium receipts of all such companies is hereby levied for this purpose to be collected by said Insurance Commissioner as other taxes on insurance companies are collected; but in no case shall the Insurance Commissioner, Fire Marshal or his as-

sistants, or any one acting under this law, incur any expenses for detectives in any one case to exceed the sum of $300. The Insurance Commissioner shall keep a separate account of all moneys received and disbursed under the provisions of this act and shall include same in his annual report.

§ 6. The Insurance Commissioner shall submit annually, as early as consistent with full and accurate preparation, and not later than the thirtieth of June, a detailed report of his official actions under this act, and same shall be embodied in his annual report.

§ 7. The Insurance Commissioner, in order to carry out the provisions of this law, shall appoint a deputy to be designated as the Fire Marshal of Kentucky, and shall revoke the appointment at his will and pleasure, the said Fire Marshal may employ such assistants as he, in his discretion, shall deem necessary to carry into effect the purposes of this act, said employment to be at the will and pleasure of said Fire Marshal. The said Fire Marshal and the assistants so employed by him shall possess the powers and perform all duties required by the Commissioner under this act. The Fire Marshal shall receive as compensation for his services an annual salary of $2,400, to be paid monthly out of the treasury of the Commonwealth, upon the warrant of the Auditor, and charged against the fire tax fund and the compensation of the assistants and the expenses of the investigation of fires in this Commonwealth shall be paid out of the same fund, by warrant of the Auditor on vouchers signed by the Fire Marshal, and charged against the same fund. Said Fire Marshal shall execute bond with good securities, to be approved by the Auditor worth in the the aggregate at least $10,000, for the faithful discharge of his duties, and such assistants as may be employed by the Fire Marshal to assist in carrying out the

provisions of this act shall execute severally bonds, with approved security, and to be approved by the Auditor, in the sum of $2,000 each, all of which said bonds shall be filed with the Secretary of State, and upon his retirement from office, shall deliver to his successor all books and papers in his possession or under his control.

§ 8. All laws, acts and parts of acts in conflict heerwith are hereby repealed.

§ 9. In view of the fact that the work to be carried on under this act is important and the provisions of the act cannot be fully and successfully carried out unless its provisions become effective at once, an emergency is hereby declared and said act shall take effect upon its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	E. Bishop	George P. Chinn
Robert H. Akin	H. C. Blades	Henry Chunn
Eugene G. Asher	John F. Brewer	Sidney G. Clay
George Baker	Wallace Brown	W. Frank Cole
J. M. Bean	Wm. L. Bowling	Sidney J. Collins
A. V. Bertram	C. W. Burton	W. L. Craig
Thos. M. Bertram	G. E. Carroll	Elkanah Dickey

Francis B. Douglas	W. E. King	W. V. Perry
G. L. Drury	M. C. Kirk	Marion F. Pogue
Ben F. Egleston	Charles H. Knight	W. A. Price
J. H. Elder	William J. Kuh	Stanley F. Reed
Eli Farmer	James A. Leach	Robt. H. Scott
John M. Farra	F. A. Lochry	W. A. Shawler
S. Walton Forgy	Hugh Mahin	W. Scott Smith
John F. Fryer	B. J. Matthews	Adam Spahn
Allie T. Gaines	Emanuel Meyer	John G. Stoll
T. J. Gregory	Harry J. Meyers	C. B. Thompson
Joe Hall	S. F. Middleton	E. B. Thompson
V. D. Hammond	R. C. McClure	Louis B. Tieman
A. B. Hatton	W. N. McCubbin	Yeaman Watkins
A. B. Holland	C. B. Nichols	E. B. Wiley
James R. Howell	Ben E. Niles	David W. Wiley
Earl C. Huntsman	Luther C. Owings	J. H. Williams
Green R. Keller	A. W. Palmer	B. S. Wilson
John G. Kelley	W. F. Parker	Charles Yancy

—75

Those who voted in the negative were—

D. Clarence Gray

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 36. An act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commonwealth of Kentucky may use and employ outside of the walls of the penitentiaries in such manner and means as may be provided by law, persons convicted of felony and sentenced to confinement in the penitentiary for the purpose of constructing, or reconstructing and maintaining public roads and public bridges or for the purpose of making and preparing material for public roads and bridges and that the Commonwealth of Kentucky may, by the use and employment of convict labor outside of the walls of the penitentiary or by other ways or means, as may be provided by law, aid the counties for road and bridge purposes.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under the provisions of the act of May 12, 1897, same being Section 1459 of the compilation of laws known and designated as Carroll's 1903 Edition of Kentucky Statutes.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	Eli Berry
Robert H. Akin	George Baker	A. V. Bertram
Eugene G. Asher	J. M. Bean	Thos. M. Bertram

E. Bishop
H. C. Blades
John F. Brewer
Wallace Brown
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney J. Collins
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
Green R. Keller
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
D. B. Thurman
Louis B. Tieman
E. B. Wiley
David W. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—84

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 2. An act to amend Section 4020 of the Kentucky Statutes, Carroll's Edition, 1909.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4020 of the Kentucky Statutes, Carroll's Edition, 1909, be, and the same is hereby amended by adding at the end of said section, the following:

"And, provided, further, that the situs for the purposes of taxation of all shares of stock in companies incorporated under the laws of this State, or any other State, where the same are now, or may become taxable under the laws of this Commonwealth, shall be at the domicile of the corporation and not elsewhere; nothing herein, however, shall exempt or affect in any manner any corporation from the payment of franchise or license taxes upon its capital stock where the corporation is required to pay upon the same."

So that Section 4020 as amended and re-enacted shall read as follows:

"All real and personal estate within this State, and all personal estate of person residing in this State, and of all corporations organized under the laws of this State, whether the same be in or out of the State, including intangible property which shall be considered and estimated in fixing the value of corporate franchises as herein provided, shall be subject to taxation unless the same be exempt from taxation by the Constitution, and shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale. Provided, however, that tangible personal property located and having a taxable situs without the State, of persons residing in this State, and of all corporations organized under the laws of this State, shall not be subject to taxation. And, provided, further, that the situs of intangible personal propery for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having the custody or possession of same. Provided, further, that nothing herein contained shall in any way

affect the liability for franchise taxes now payable by corporations organized under the laws of this State. And, provided, further, that the situs for the purposes of taxation of all shares of stock in companies incorporated under the laws of this State, or any other State, where the same are now, or may become taxable under the laws of this Commonwealth, shall be at the domicile of the corporation and not elsewhere; nothing herein, however, shall exempt or affect in any manner, any corporation from the payment of franchise or license taxes upon its capital stock, where the corporation is required to pay upon the same."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Sidney G. Clay	M. C. Kirk
Eugene G. Asher	Sidney J. Collins	Charles H. Knight
P. L. Atherton	Francis B. Douglas	William J. Kuh
Eli Berry	John M. Farra	James A. Leach
Thos. M. Bertram	S. Walton Forgy	F. A. Lochry
E. Bishop	John F. Fryer	B. J. Matthews
H. C. Blades	Elwood Hamilton	Emanuel Meyer
John F. Brewer	A. B. Holland	Harry J. Meyers
Hiram Brown	R. Dillard Hunter	R. C. McClure
Wallace Brown	Earl C. Huntsman	Charles D. McCrea
Wm. L. Bowling	Green R. Keller	C. B. Nichols
G. E. Carroll	John G. Kelley	Luther C. Owings.

W. F. Parker	W. Scott Smith	Louis B. Tieman
William A. Perry	Adam Spahn	Yeaman Watkins
W. V. Perry	A. H. Stamper	E. B. Wiley
John A. Polin	John G. Stoll	Edward L. Young
W. A. Price	C. B. Thompson	—52
W. A. Shawler	E. B. Thompson	

Those who voted in the negative were—

Robert H. Akin	T. J. Gregory	Ben E. Niles
A. V. Bertram	Joe Hall	A. W. Palmer
George P. Chinn	V. D. Hammond	S. H. Rogers
L. Craig	A. B. Hatton	Robt. H. Scott
Elkanah Dickey	John W. Holland	D. B. Thurman
G. L. Drury	W. J. Jackson	David W. Wiley
J. H. Elder	W. E. King	B. S. Wilson
D. Clarence Gray	W. N. McCubbin	Charles Yancy
		—24

Resolved that the title thereof be as aforesaid.

And the House recessed until three o'clock this afternoon.

AFTERNOON SESSION.

At three o'clock the House reconvened.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles,

H. B. 225. An act for the benefit of the three educational institutions, viz.: State University, Lexintgon, Kentucky, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the payment of debts incurred for necessary buildings, furnishing

necessary equipment and for expansion of work and also providing additional revenue for the maintenance of said institutions.

H. B. 235. An act concerning tuberculosis and providing for the creation of a Commission to be known as the Kentucky Board of Tuberculosis Commissioners, to define its powers and to make an appropriation therefor and to authorize and provide for the establishment of districts consisting of one or more than one county, and to authorize and provide in such district for the location, erection, organization and management of a District Sanitorium for the care and treatment of tuberculosis and authorizing county and district taxation for the purpose of making an apropriation for the purchase of necessary land and construction and equipment of necessary buildings and an annually appropriation for the maintenance of such sanitorium.

H. B. 92. An act for the benefit of the Department of Agriculture, Labor and Statistics, appropriating money thereto and enlarging the powers thereof.

That they had passed a bill which had originated in the Senate of the following title:

S. B. 274. An act to amend and re-enact an act entitle an act to amend an act entitled an act to amend an act entitled an act to assign the cities and towns of this Commonwealth to the class to which they belong, approved March 16, 1910.

Said bill was ordered to be printed and referred to the Committee on Classification of Cities and Towns:

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Pouge of the Committee on Education No. 1:

S. B. 188. An act to designate a State Flower and a State Tree.

By same:

S. B. 202. An act in relation to public schools, teachers therein, examination for certificates and eligibility of the teacher to hold the office of Superintendent of County Schools.

By same:

S. B. 230. An act to provide for the enforced attendance of children in the common schools and graded common schools of this Commonwealth.

By same:

S. B. 254. An act for the relief of subschool districts and relating to old debts.

By same:

S. B. 210. An act to repeal an act to establish a common school for the benefit of colored people of Catlettsburg and vicinity.

By Mr. Douglas of the Committee on State Capitol:

S. B. 355. An act to amend and re-enact Section 3942a and 3942b, Kentucky Statutes, edition of 1909, relating to the duties and powers of the Commissioners of the Sinking Fund and the duties and powers of the Custodian of Public Build-

ings and authorizing the Commissioners of the Sinking Fund to have improvements and repairs made to the Capitol building and ground and the power and power house.

By Mr. Leach of the Committee on Banks and Banking:

S. B. 189. An act to prohibit the use of either word "bank" or trust as a part of any name or title or in advertisement by any person, firm association or corporation excepting by such corporations as are authorized under and comply with the laws relating to a bank or trust company and providing a penalty for the violation hereof.

By Mr. Nichols of the Commitee on State University and Normal Schools:

S. B. 260. An act prohibiting the sale of intoxicating liquors within four hundred feet of Normal Schools and State College.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 165. An act for the protection of game and fish.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. GAME AND FISH COMMISSION. A Game and Fish Commission is hereby created; said Game and Fish Commis-

sion shall have perpetual succession with power to make and use a corporate seal, with power to alter the same; to adopt by-laws, rules and regulations for the government of its members, agents and employes, provided such by-laws shall not conflict with the Constitution of Kentucky. Said Commission shall consist of four members, who shall serve without compensation, except for necessary expenses to be paid upon an itemized statement thereof, duly audited by said Commission, and shall have an office in the Capitol and be supplied with suitable stationery, blanks and postage for the transaction of its business.

§ 2. APPOINTMENT AND TERM—RESIDENCE—PARTY AFFILIATIONS—MEETINGS. Within thirty days after this act becomes a law, the Governor shall appoint said four Commissioners, two of whom shall serve for two years, and two for four years, and until their successors shall be appointed and qualified; and two members shall be appointed in like manner every two years thereafter to serve for a term of four years each; and, whenever a vacancy or vacancies occur by death, resignation, removal from the county, operation of law, or otherwise, the Governor shall, in like manner, immediately appoint some competent person or persons to fill such vacancy or vacancies. The person or persons so appointed shall hold office for the unexpired term, provided, that no two members shall be residents of any one county, and that not more than two members of said Commission shall belong to the same political party.

Said Game and Fish Commission shall meet quarterly at its office, and as much oftener as may be necessary. Provided, however, it shall hold its first meeting within thirty days after its appointment.

§ 3. GENERAL POWERS AND DUTIES. Said Game and Fish Commission shall enforce the laws of this State involving

the protection, preservation and propagation of all game birds, game animals, fish and song and insectivorous birds and animals. Said Game and Fish Commission shall have charge of:

1. The propagation, preservation and protection of such varieties of game birds, game animals, fish, and song and insectivorous birds and animals as they shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The receiving from the United States Government or other person, and the gathering, purchase and distribution to the waters, forests, fields, parks, and preserves of this State, of all birds, animals, fish, spawn or fry for public distribution.

4. The seizure and disposition of all game birds, game animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights, or other instrumentalities unlawfully used or held with intent to use, in pursuing, taking, attempting to take, concealing or disposing of the same.

5. The taking of fish from the public waters of the State for the propagation and stocking of other waters therein. And the taking of birds and animals from the forests, fields, parks and preserves of the State for the propagation and stocking of other forests, fields, parks and preserves therein.

6. The construction, control and management of all State fish hatcheries and game preserves, including the control of grounds and buildings owned, leased or in any way acquired for such purpose.

§ 4. BIENNIAL REPORT OF COMMISSION OF GAME AND FISH. In the month of October, in the year 1913, and every two years thereafter, the Game and Fish Commission shall make a report to the Governor showing the official business transacted by the Commission. Such report shall show the number of hunters' licenses issued, together with all fees collected. It shall show what moneys have been received by the Game and Fish Commission from fees and other sources. It shall show the number of wardens and other persons employed, and shall give all necessary information concerning the affairs of the Game and Fish Commission. Such report shall be published in pamphlet form.

§ 5. EXECUTIVE AGENT. Within thirty days after the appointment of the Game and Fish Commission the Governor shall appoint an executive agent of said Game and Fish Commission, who shall devote all of his time to the discharge of his duties, and shall receive compensation therefor, to be fixed by said Game and Fish Commission, not exceeding twenty-five hundred dollars ($2,500.00) per year. He shall act as such executive agent for a term of four years and be subject to the directions of said Game and Fish Commission. When the said Commission is not in session, he is hereby authorized to exercise in its name, all the rights, powers and authority vested in said Commission by this act. Before entering upon the discharge of his duties he shall give bond to the State of Kentucky, with sureties or security to be approved by said Commission, in the penal sum of five thousand ($5,000) dollars, conditioned for the faithful discharge of his duties and accounting of all State property coming into his hands, which bond shall be filed with the Secretary of State.

§ 6. EMPLOYES. The Game and Fish Commissioners may appoint and remove at pleasure a sufficient number of game wardens, whose jurisdiction shall be co-extensive with the State, other persons, and office assistants, as may be

necessary to carry out the purposes of this act, and fix their periods of service and compensation.

§ 7. POSSESSION AND SHIPMENT OF BIRDS, FISH AND ANIMALS. Said Game and Fish Commission are hereby empowered and authorized to have in their possession at any time, ship or transport, anywhere in the State for the purpose of propagation or conservation any and all kinds of fish, birds and animals.

§ 8. PURCHASE, LEASE, DONATION AND CONDEMNATION OF LAND AND WATER. Said Commission is hereby empowered and authorized to acquire in the name of the Commonwealth of Kentucky by purchase, lease, donation, devise or otherwise either land or water, or both for the purpose of protection, preserving or propgaating such varieties of game birds, game animals or fish as said Commission shall deem to be of public value. If said Commission be unable to agree with the owner or owners of such lands or water as to its value, or to purchase the same, it may proceed in the name of the Commonwealth of Kentucky, in any court having jurisdiction, to condemn such land or water in the same manner as provided by law in the condemnation of land for railroad purposes. Real estate or water acquired by purchase, lease or condemnation shall be paid for out of moneys appropriated for said purposes by said Commission out of the fish and game protection fund, or which have been appropriated for such purposes by the Legislature or which may have been received from any other source for such purposes.

§ 9. FISH HATCHERIES AND GAME PRESERVES. Said Commission may establish, operate, conduct and maintain fish hatcheries and game preserves on any lands or waters acquired by it, and may employ and appoint such persons and assistants at such salaries and for such time as it may deem

necessary to operate, conduct and care for them, any of whom may be removed at the pleasure of said Commission.

§ 10. APPROPRIATIONS. The said Commission may appropriate annually not exceeding ten per cent of the Fish and Game Protection Fund for that year, for the purpose of establishing, erecting, conducting and maintaining fish hatcheries and game preserves, and paying for land, improvements and waters acquired for such purposes by purchase, lease or condemnation.

§ 11. SALE OF LAND AND WATER. Said Commission may with the consent of the Governor, when it regards the same to be to the best interests of the State, sell and convey any real estate or building or waters owned or used for the purpose of protecting, preserving or propagating fish, birds or animals; but the proceeds arising from such sales may be reinvested in other real estate or buildings or water for the protecting, preserving or propagating of fish, birds or animals.

§ 12. CONTRACTS. The Commission, with the consent of the Governor, may enter into any contract or agreement with the United States Government or any Department or Bureau thereof, or with any person or persons in regard to the preservation, protection or propagation of fish, game, birds or animals, it may deem to the advantage of the State to enter into.

§ 13. POWERS AND DUTIES OF WARDENS. It shall be the duty of fish and game wardens and such other persons so appointed by the Commission of game and fish, sheriffs and their deputies, constables, and their deputies, and all peace officers, to enforce within this State all laws relating to the protection, preservation or propagation of fish, birds or game. They may arrest on sight and without warrant any person detected by them in the act of violating any such laws;

they shall have the same right as sheriff to require aid in arresting without process any person found by them in the act of violating any of said laws; and they shall have authority to seize without process any birds, fish, animals or game found in the possession, seines, nets, traps, boats, lights or other instrumentalities or devices with the same were taken or killed, or which were being used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same, and forthwith convey said offender before a court or magistrate having jurisdiction of the offense, and such court or magistrate upon the filing of the complaint by such warden or other person or officer, shall proceed speedily to try and determine the truth of the charge, and if said charge is found to be true, said court or magistrate shall enter an order declaring said birds, game, animals, dogs, guns, seines, nets, traps, boats, lights or other instrumentalities or devices so seized to be contraband, and directing them to be delivered to the Commission of Game and Fish to be disposed of.

§ 14. Contraband Game, Seizure and Search. Any bird, animal, fish, game, or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the provisions of this act, or any other law of this State relating to fish, or game, is hereby declared to be contraband. The Commission of Fish and Game, all game wardens, and all other persons so appointed by said Commission, sheriffs and their deputies, constables and their deputies, and peace officers, shall seize and take possession of any and all birds, game, fish or animals, or any part thereof, which have been caught, taken killed, or had in possession, or under control or shipped, contrary to any of the provisions of this act or any other law of this State relating to fish or game. Any court having jurisdiction may, upon complaint showing probable cause for believing that any bird, fish, game or animal, or any part thereof, caught, taken, killed, or had in

possession, or under control, by any person, or shipped, or transported contrary to any of the provisions of this act or of any law of this State relating to fish or game, is concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any such bird, fish, game or animal, or any part thereof, and may cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package, or any other receptacle whatever, to be broken, opened and the contents thereof examined. All such officers taking or seizing any such birds, animals, game, or fish, or any part thereof, shall at once report all the facts attending the same to the Game and Fish Commission.

§ 15. CONTRABAND DEVICES. All nets, seines, lanterns, snares, devices, contrivances, materials, while in use, or had, or maintained, for the purpose of cathing, taking or killing or attracting or deceiving any bird, animal, game or fish, contrary to any provisions of the act, or of any law of this State relating to fish and game, within the State, or upon or in the boundary waters thereof, including fish houses, inclosures, or other sheltering structures or appliances, erected or maintained upon the ice or in any waters, or on the shores of any lake, pond, or stream, is hereby decared to be and is a public nuisance. The Commissioners of Fish and Game, all game wardens, and all other persons so appointed by said Commission, sheriffs and their deputies, constables and their deputies, and peace officers shall, without warrant or process, take, seize, abate, and destroy any and all of the same while being used, had or maintained for such purpose, and no liability therefor shall be incurred by any person.

§ 16. SALE OF CONTRABAND. The Game and Fish Commission is hereby authorized to sell to residents of this State, at the highest market price, obtainable therefor, all furs, fish, game, game animals, birds, guns, dogs and boats, which

shall come to their possession as contraband under the order of any court or magistrate, or which has been seized under this act, and declared to be contraband by this act or any other law of this State relating to fish or game. One-half of the net proceeds of sale shall be paid to the warden, or other person appointed by said Commission, sheriff or his deputy, constable, or his deputy, or peace officer, who seized said article of contraband, and the other half of such proceeds thereof shall be turned into the State Treasury and credited to the Game and Fish Protection Fund. A record of such sales, including the name of the purchaser and the price paid, shall be kept by the Commission. Said Commission shall, before selling, tag or mark the same in a manner determined by it and said Commission shall destroy all nets, seines, traps, lights and other devices and instrumentalities which may come to its possession as contraband under the order of any court or magistrate, or which has been seized under this act, or any other law of this State relating to fish or game, and declared to be contraband by this act, or by any other law of this State relating to fish or game.

§ 17. RESALE. Fish, game, game animals, and birds, or any part thereof, sold pursuant to the terms of the foregoing section, shall not be resold, offered for sale, or held for the purpose of sale, or otherwise disposed of, to any other person by said purchaser. Said fish, game, game animals and birds shall not be bought or taken into possession by any other person than the purchaser from the Commission.

§ 18. OTHER OFFICIALS—ATTORNEY. The County Attorneys, Commonwealth's Attorneys, sheriffs and their deputies, constables and their deputies, and other peace officers, are hereby required and it is made their duty, to enforce the provisions of this act and of all laws of this State relating to fish or game; and the Commission of Game and Fish may employ an attorney or attorneys to perform such legal ser-

vices as said Commission may require. He shall appear for said Commission in all civil actions in which it or any of its officers or employees or appointees or wardens may be interested officially and may assist the county attorney or Commonwealth's Attorney in the prosecution of criminal actions arising under this act, or under any law of this State relating to fish or game, and when for any reason the county attorney or Commonwealth's Attorney does not prosecute such criminal actions, he may conduct such prosecution on the part of the State with the same authority as the county attorney, or the Commonwealth's Attorney. The compensation to be paid said attorney shall be fixed by the Commission and paid out of the funds provided for the enforcement of this act.

§ 19. EXECUTION OF WRITS. The executive agent of said Commission, all members thereof, and wardens and persons appointed by said Commission shall have full power and authority to serve and execute all warrants and processes of law issued by the court enforcing the provisions of this act, or of any other law of this State relating to the preservation, protection or propagation of game or fish anywhere in the State of Kentucky in the same manner as any constable or sheriff may execute the same and for the purpose of enforcing the provisions of this act they may call to their aid any sheriff, deputy sheriff, constable, deputy constable, peace officer or any other person and it shall be the duty of all sheriffs, deputy sheriffs, constables, deputy constables, peace officers, and other persons when called upon to enforce and aid in the enforcing of the provisions of this act.

§ 20. BONDS OF WARDENS—CONDITIONS OF. Before entering upon the discharge of their official duties, each game and fish warden shall give bond in the sum of five hundred dollars ($500.00) payable to the State of Kentucky with two or more sureties to be approved by the Fish and Game Commission, and filed in the office of the Secretary of State, condition

that he will truly account for and legally apply all money and property which may come into his hands in his official capacity, and that he will faithfully perform all of the duties enjoined upon him by law.

§ 21. Terms Defined—Agency No Excuse. The word sell and sale as used in this act shall be construed as meaning any sale of or offering to sell or having in possession with intent to sell, use or dispose of the same contrary to law. The word person shall be deemed to include partnerships, associations and incorporations and no violation of any provision of this act or any other law of this State relating to fish or game shall be excused for the reason that the prohibited act was done as the agent or employee of another. Nor that it shall be committed by or through an agent or employees of the person charged. The word possession shall be deemed to include both actual and constructive possession as well as the control of the article referred to.

§ 22. Blanks and Other Printed Matter Provided. The blanks and other printed matter necessary to carry out the provisions of this act and of the game laws, upon the approval of the Governor, shall be printed under the direction of the Commission, and shall be paid for in like manner and upon the same terms as other public printing. This expense shall be charged to the Game and Fish Protection Fund.

§ 23. License—Contents of. All license shall, be dated when issued and shall also authorize the person named and described therein to hunt during the calendar year and then only within the regulations and restrictions provided by law. All hunting licenses shall be numbered consecutively at the time they are printed and the non-resident and resident blanks shall be furnished by the Game and Fish Commission to the county clerks of the various counties.

§ 24. RESIDENT'S LICENSE—HOW OBTAINED. Any person who has been a bona fide resident of this State for one year then past, may procure a hunter's license for himself or herself by filing his or her affidavit with the county clerk of the county in which he or she resides, stating his or her age, place of residence, postoffice address, height, color, color of his or her eyes and hair, and the fact whether he or she can write his or her name, and by paying to the said county clerk the sum of one dollar ($1.00) which license shall entitle him or her to hunt in all counties of this State.

§ 25. NON-RESIDENT OR ALIEN HUNTER'S LICENSE—HOW OBTAINED. Any non-resident or alien of this State or person who has not been a resident of this State for one year may procure a license for hunting by filing his or her affidavit with the county clerk of any county in this State, stating his or her age, place of residence, postoffice address, height, color, color of his or her eyes and hair, and the fact whether he or she can write his or her name, and by paying to said county clerk the sum of fifteen ($15.00) dollars, which license shall entitle him or her to hunt in all the counties of this State, after receiving the permission of the owner or agent of the land.

§ 26. COUNTY CLERKS ISSUE HUNTING LICENSE. The county clerk shall issue all hunting licenses, resident and non-resident, under the seal of his office, to all persons complying with the provisions of this act, and shall sign the same and shall require the person to whom the license is issued to sign his or her name on the margin thereof. He shall keep a correct and complete record of all licenses issued in a book to be furnished by the Game and Fish Commission, which record shall remain in his office and be open to the inspection of the public at all reasonable times.

§ 27. Money Received From License—How Disposed of. The county clerk shall retain of the money received for each license issued the sum of fifteen (15) cents which cover the swearing of the applicant to the affidavit referred to in this act and all other services under this act, and shall pay the balance to the State Treasurer, on the first of each month, which amount shall be converted into the Game and Fish Protection Fund and the said county clerk shall report to the said Game and Fish Commission on the first day of each month the number of licenses issued and the amount of money remitted to the State Treasurer.

§ 28. Owners—Landlord and Tenants May Hunt on Their Own Land Without License. All resident owners and landowners and members of their family may hunt upon their own land without license, and tenants and members of their family may hunt upon their leasehold without license.

§ 29. License Printed on Distinctive Colors. The license for residents and non-residents shall be printed on distinctive colors.

§ 30. License Delivered to and Returned by County Clerks. The Game and Fish Commission shall deliver to each County Clerk in the State ten days before the first of May, in each year, as many license as may be required and shall charge said clerk with the number issued to him. On the 15th day of December in each year and within ten days thereafter each County Clerk shall return to the Commission all unused licenses and stubs of license used.

§ 31. Game and Fish Protection Fund—Created and Disposed of. All moneys sent to the State Treasurer in payment of hunting licenses, contraband, fines, penalties and forfeitures arising from the Fish and Game Laws of this State shall be set aside by the State Treasurer and shall constitute a fund known as the Game and Fish Protection Fund for

the payment of the Game and Fish Commission's necessary and incidental expenses; also the payment of the salaries and traveling expenses of the Fish and Game Wardens, the Executive Agent, office assistants and other persons appointed or employed by said commission and for expenses incurred for any purpose or in consequence of this act and not otherwise provided for. The expense incurred for any purpose or in consequence of this act shall be limited to the amount of money in the Game and Fish Protection Fund and in no event shall the State pay any such salaries or expenses or be liable in any manner therefor except to the extent of such Game and Fish Protection Fund, and the State Auditor shall not issue any voucher or warrant for any services or expenses of any kind unless the money to pay such vouchers shall, at the time, be on hand in the State Treasury to the credit of the Game and Fish Protection Fund.

§ 32. False Statement as to Procuring License. Any person who shall make to an officer authorized to issue hunting license a false statement or change or alter his license in any manner shall be punished by a fine of not less than fifty nor more than two hundred ($200.00) dollars to which may be added imprisonment in the county jail for any period not exceeding thirty days.

§ 33. No Person Shall Hunt Without License. No person to whom a license is issued under the provision of this act shall be entitled to hunt, pursue, or kill birds, or game in this State, without, at the time of such hunting, pursuing or killing of birds or game he has in his possession his license ready to exhibit the same to any one demanding same, and upon conviction thereof shall be fined not less than ten ($10.00) dollars nor more than twenty-five ($25.00) dollars.

§ 34. Hunting Without License Prohibited. Any person who hunts in this State without first obtaining a license, permitting him or her to do so, or any person who

lends or transfers his or her hunting license to another, upon conviction, shall be punished by a fine of not less than fifty nor more than two hundred ($200.00) dollars to which may be added imprisonment in the county jail, for any period not exceeding thirty days, but any resident owner, landlord or tenant and members of their families may hunt upon their own lands, or leasehold in season without obtaining a hunting license as hereinbefore provided.

§ 35. Cost of Prosecution—How Taxed. When an arrest for the violation of the Fish and Game Laws of this State is made by the Commission, its executive agent, or by any warden, or person appointed by said Commission, sheriff or his deputies, constable or his deputy, or peace officer and the defendant is convicted there shall be taxed as cost in favor of such Commission, executive agent, warden or other person or officer making the arrest the same fee as constable is entitled to in misdemeanor cases, and if collected from the defendant shall be paid over to said Commission, executive agent, warden or other person or officer, and shall be his personal perquisite. No fee shall be allowed in case of acquittal.

§ 36. Fines and Penalties—Distribution of. After payment of the percentage of fines allowed by the law to other public officers, one-half of the remainder of all fines, forfeitures and pnealties collected under this act or any other law of this State, relating to fish or game shall be paid to the Executive Agent, Warden or other persons appointed by the Commission, sheriffs or his deputy, constable or his deputy or peace officer, securing the apprehension and conviction. Such money shall be paid the court collecting the same and the remainder shall be forwarded to the State Treasurer and credited to the Fish and Game Protective Fund.

§ 37. FINES, PENALTIES AND FORFEITURES—DISPOSITION OF. All moneys collected from fines, penalties and forfeitures under this act or any other act of this State relating to fish or game shall belong to the State Game and Fish Protection Fund with the exception of that part, under this act, belongs to the executive agent, wardens and other persons appointed by said Commission, and public officers shall be paid over by the officer authorized to collect said money to the State Treasurer on or before the first day of each month, and shall be credited by him to the Game and Fish Protection Fund. The State Treasurer shall report on the first day of each month to the Game and Fish Commission the exact amount of money to the credit of the Fish and Game Protection Fund.

§ 38. FINES TO BE PAID IN CURRENCY. All fines imposed under the provision of this act or under any other law of this State relating to fish and game shall be paid in lawful money, that is to say, the currency of the United States of America.

§ 39. JUDGES SPECIAL CHARGES AS TO GAME LAWS. The circuit judges shall give the Grand Juries, when organized, the provisions of the game and fish laws strictly in charge and shall urge strict inquiry into infractions thereof.

§ 40. MONTHLY STATEMENT OF EXPENSES. The Executive Agent of said Commission shall make out a monthly itemized account of the expenses of the Game and Fish Commission, including the moneys due himself, fish and game wardens, office assistants and all persons employed or appointed under this act, and submit the same to the Commission for their approval and upon their approval said Commission shall authorize the Auditor of Public Accounts to draw his warrant on the State Treasurer for the amount to be paid out of the Game and Fish Protection Fund.

§ 41. APPROPRIATION TO COVER FIRST YEAR'S EXPENSES. The sum of Five Thousand Dollars is hereby appropriated

out of any funds in the hands of the Treasurer, not otherwise appropriated for the support and maintenance of the Game and Fish Commission, for the first year of its existence said amount shall cover all expenses of every kind growing out of this act, including the necessary expenses of the members of said commission, salaries of the Fish and Game Warden, Executive Agent and all persons appointed and employed under this act; and all expenses connected with and growing out of this department of the State Government, and said Five Thousand Dollars shall be repaid to the State out of the first moneys belonging to the Game and Fish Protection Fund.

§ 42. Local and State Laws Repealed. All laws and parts of laws general, special or local, in conflict with the provisions of this act as to the Game and Fish Laws of this State are repealed in so far as they so conflict herewith.

Mr. Elder offered the following amendment to said bill:

Amned Section 24 by adding after the word "State" at the end thereof the following words "but nothing herein contained shall be construed as repealing the present law requiring every hunter to obtain the writen permission of the land owner to hunt on his premises."

Said amendment was agreed to.

Mr. W. V. Perry offered the following amendment to said bill:

Amend by inserting in Section 34 after the words "upon their own lands" in line 8 thereof the following words "and except further that they may likewise hunt upon the adjoining to theirs."

Said amendment was agreed to.

The following amendments were offered to said bill, viz.:

By Mr. Matthews.

1. Strike out Section 24.

By Mr. Chunn.

2. Amend House Bill 165 by striking out Section 5.

By Mr. Polin.

3. Amended Senate Bill 165, Section 28, by adding the following, "And all persons residing outside an incorporated town, or city may hunt without a license."

By Mr. Kelly.

4. Strike out Section 5 and 6.

By Mr. Williams.

5. Add as a new section at the end of the bill "That all game wardens in Eastern Kentucky are hereby insured by State against all danger in the sum of ($10,000) ten thousand dollars.

By Mr. Huntsman.

6. That said bill be amended in Section 24 line 9 after the word "State" by adding the following "and this license shall not be required of any persons who reside outside of an incorporated city or town."

Said amendments were severally disagreed to.

Mr. Brewer offered the following amendment to said bill by way of substitute therefor, viz.:

An act to provide for catching fish with a seine in the running waters, lakes or ponds in the counties of the State of Kentucky—to provide for taking the sense of the voters of any county with reference thereto—To provide for the issuing of license and the disposal of funds arising therefrom.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Upon application by written petition, signed by not less than twenty-five per cent of the votes cast in the county at the last preceeding election, it shall be the duty of the Judge of the County Court in such county, at the next regular term thereof after receiving said petition, to make an order on his Order Book directing an election to be held in said county not earlier than sixty days after said petition is lodged with the Judge of said Court, which order shall direct the Sheriff or other officer of the said County, who may be appointed to hold said election, to open a poll at each and all of the voting places for the purpose of taking the sense of all of the legal voters of said county, who are qualified to vote at elections for County officers, upon the proposition whether or not the citizens of said county shall have the right to catch fish by means of a seine in the running waters, lakes or ponds of said county.

§ 2. It shall be the duty of the County Clerk to give the Sheriff of the county, or such officers as may be appointed to hold said election, a certified copy of the order of the County Court, as it appears on the order book within ten days after said order is made ;and it shall be the duty of said

Sheriff or other officer to have said order published in some weekly or daily paper published in the county, for at least two weeks before the election, or to advertise the same by printed or written hand bills posted at five conspicuous places in each precinct in the county, for the same length of time. The Sheriff or other officer shall have the advertisement or notices herein provided for, posted as herein required within ten days after he receives the order of the County Court. All electios provided for in this act shall be held by such officers as would be qualified to hold elections for county officers, and they shall be selected in the same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the State, except that they shall not be held on the same day, or within thirty days next proceeding such regular election.

§ 3. The canvassing Board of the County shall certify the result of said election to the County Court Clerk which certificate shall be kept by him until the next regular term of the County Court, at which time it shall be the duty of the Judge thereof to have same spread on the order book of his Court, and said entry of the certificate in the order book or a certified copy thereof shall be prima facie evidence in any or all proceedings under this act.

§ 4. The effect of holding said election shall be; in the event a majority of votes cast at such election shall be in favor of using a seine for the purpose of catching fish in the running waters, lakes or ponds of the county in which the vote was taken, that the County Judge of said county shall upon the application to him by any citizen of such county, and the payment to him by such citizen a fee of $1.00, shall grant a license to such person, authorizing him to engage in catching fish by means of a seine in the running waters, lakes or ponds of such County, which license shall be signed by both

the Clerk and the Judge of the County Court of such County, and to be good only for one year.

§ 5. License issued under this act shall confer the right to fish with a seine, except during the period from the 15th of June to the 1st of September of any year, and any person who holds a license under this act may employ a substitute for himself; but not more than one man can be employed for each license holder.

§ 6. All moneys arising under this act shall be paid tc the County Judge, who shall be responsible for the same under his official bond and said moneys shall constitute a fund to be used for purchasing school books for the indigent children of the county, which money shall be paid out on the order of the Fiscal Court for the purchase of school books, a list of which shall be made out and furnished the Fiscal Court by the County Board of Education. If any surplus should remain after paying for such books for indigent children, the Fiscal Court shall apply such surplus to the Road and Bridge fund of such county for the improvement of roads and bridges.

§ 7. If it shall be found that a majority of the votes cast upon said proposition, in the elections provided for in this act to be cast against said proposition then said proposition shall be lost. But the question of voting on said proposition may, after the expiration of two years from the first or any subsequent vote, be again submitted and in the manner prescribed for the first vote.

§ 8. All laws and parts of laws in conflict herewith are hereby repealed.

Said substitute was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton
George Baker
J. M. Bean
E. Bishop
H. C. Blades
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Francis B. Douglas
G. L. Drury
Ben F. Eggleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Elwood Hamilton
A. B. Hatton
L. B. Herrington
R. Dillard Hunter
Green R. Keller
Charles H. Knight
William J. Kuh
James A. Leach
Hugh Mahin
Harry J. Meyers
Charles D. McCrea
C. B. Nichols
Ben E. Niles
Luther C. Owings
W. F. Parker
William A. Perry
W. V. Perry
W. A. Price
Stanley F. Reed
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
E. B. Thompson
Louis B. Tieman
E. B. Wiley
David W. Wiley
B. S. Wilson
Charles Yancy
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Those who voted in the negative were—

William Ahl
Eugene G. Asher
A. V. Bertram
Thos. M. Bertram
John F. Brewer
Henry Chunn
W. L. Craig
Elkanah Dickey
D. Clarence Gray
T. J. Gregory
Joe Hall
John W. Holland

W. J. Jackson	F. A. Lochry	Walter S. Sinclair
John G. Kelley	B. J. Matthews	W. Scott Smith
William J. Kuh	S. F. Middleton	Yeaman Watkins
J. Albert Leach	R. C. McClure	J. H. Williams

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Resolved that the title therefore be as aforesaid.

The House took up for consideration from the Clerk's desk a resolution entitled,

H. Res. 23. Resolution for the benefit of the Copyist of the House of Representatives.

(For resolution see House Journal of yesterday).

Said resolution was adopted.

Mr. Wallace Brown moved that when the House adjourn this evening it be to meet at 9 o'clock tomorrow morning.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 52. An act permitting Charles Carroll to sue the State for a fee not exceeding $500, for legal services performed.

Said bill reads as follows, viz.:

Whereas, in December, 1904, the attorney general of the State employed Charles Carroll to assist in the prosecution of a suit against Henry Bacon, accepted bidder for the second class printing and binding of the State for two years from

January, 1902, said suit being in the name of the Commonwealth of Kentucky on the relation of the attorney general against said Bacon and his sureties, and in said suit it was sought to construe the printing laws of the State, and to recover of Bacon an alleged overcharge against the State, which was paid to him by reason of his claim for said printing. Said Carroll accepted said employment, and assisted in said suit from its inception in the Franklin Circuit Court to its final determination in the Court of Appeals, covering a period of nearly four years, and in said litigation said Carroll assisted in the preparation of the pleadings, and took an active part in the examination of the witnesses and orally argued the case in the Franklin Circuit Court, and orally argued and brief it in the Court of Appeals, which on the 20th of June, 1909, in an opinion, which will be found in 111 Southwestern, beginning on page 387, reversed the judgment of the Franklin Circuit Court, and sustained the contention of the Commonwealth and ordered judgment against Bacon for money collected from the State without warrant of law for $23,992.69, with interest from August 29, 1902, and the result of said litigation was of great benefit to the State. Said suit was prosecuted under Section 340a, Kentucky Statutes, and whereas, it was agreed between the attorney general and said Charles Carroll at the time of the employment of said Carroll that he should receive for his services in said litigation the sum of $500.00, but there being some question whether under said Section 340a of Kentucky Statutes, the contract between the attorney general and said Charles Carroll is binding upon the State, and it appearing in equity and good conscience that said Charles Carroll is entitled to the fee agreed upon between him and the attorney general in said litigation and having rendered services for the Stae in same to amount greater in value than said amount of $500.00 therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Charles Carroll is hereby permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court under style of Charles Carroll, Plaintiff, vs. Henry M. Bosworth, Auditor, defendant in order that said court may determine and allow after hearing the proof as to the value of said services a reasonable fee to said Carroll not exceeding $500.00 for his services in the above mentioned litigation, and when said judgment becomes final the Auditor is directed to issue to said Charles Carroll his warrant upon the treasurer of the State for the amount of said judgment, and said treasurer is directed to pay said warrant out of any funds in his hands not otherwise appropriated.

Ordered that said bill be read the third time.

The constitutional provision as to theird reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Wallace Brown	Sidney J. Collins
P. L. Atherton	C. W. Burton	W. L. Craig
J. M. Bean	G. E. Carroll	Elkanah Dickey
E. Bishop	George P. Chinn	G. L. Drury
H. C. Blades	Henry Chunn	Ben F. Egleston
John F. Brewer	Sidney G. Clay	J. H. Elder

John F. Fryer	J. Albert Leach	John A. Polin
Allie T. Gaines	F. A. Lochry	Stanley F. Reed
Elwood Hamilton	B. J. Matthews	W. A. Shawler
L. B. Herrington	Harry J. Meyers	Adam Spahn
A. B. Holland	S. F. Middleton	A. H. Stamper
John W. Holland	R. C. McClure	John G. Stoll
James R. Howell	Charles D. McCrea	C. B. Thompson
R. Dillard Hunter	C. B. Nichols	E. B. Thompson
Green R. Keller	Luther C. Owings	D. P. Thurman
Charles H. Knight	William A. Perry	Louis B. Tieman
William J. Kuh	W. V. Perry	B. S. Wilson
James A. Leach	Marion F. Pogue	Charles Yancy

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Those who voted in the negative were—

A. V. Bertram	A. B. Hatton	W. Scott Smith
Thos. M. Bertram	John G. Kelley	Yeaman Watkins
D. Clarence Gray	W. F. Parker	David W. Wiley
T. J. Gregory	S. H. Rogers	—13
Joe Hall	Walter S. Sinclair	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 258. An act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for colored persons.

Said bill reads as follows, viz.:

Whereas, the Kentucky Normal and Industrial Institute for Colored Persons is doing a highly creditable and important work developing good and useful citizens; and

Whereas, that school is hindered in its good work because of indebtedness, needed buildings and equipment as pointed out in the report of State Inspector and Examiner; and

Whereas, this Commonwealth has never made an appropriation for the maintenance of industrial or trade training for its negro citizens; therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty thousand dollars ($50,000) be appropriated to the Kentucky Normal and Industrial Institute for Colored Persons from any funds in the State Treasury not otherwise appropriated for the purpose of settling an indebtedness of five thousand dollars ($5,000); a central heating plant, fiften thousand dollars ($15,000); a boys' domitory, twenty thousand dollars ($20,000); a practice school building, two thousand dollars ($2,000); a laundry, five thousand dollars ($5,000); cottage for the president and engineer, three thousand dollars ($3,000).

§ 2. That the sum of five thousand dollars ($5,000) annually, be appropriated for the equipment and maintenance of the training of students in such useful trades as the Board of Trustees in its wisdom may direct.

Together with an amendment by way of substitute therefor proposed by the Committee on State University and Normal Schools.

Said substitute reads as follows, viz.:

An Act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for Colored Persons.

Whereas, The Kentucky Normal and Industrial Institute for Colored Persons is doing a highly creditable and important work developing good and useful citizens, and

Whereas, That school is hindered in its good work because of indebtedness, needed buildings and equipment as pointed out in the report of State Inspector and Examiner, and

Whereas, This Commonwealth has never made an appropriation for the maintenance of industrial or trade training for its negro citizens, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First. That the sum of seventeen thousand and five hundred dollars ($17,500) be appropriated to the Kentucky Normal and Industrial Institute for Colored Persons from any funds in the State Treasury not otherwise appropriated, for the purpose of settling an indebtedness of five thousand dollars ($5,000); a central heating plant, eight thousand dollars ($8,000); a laundry, twenty-five hundred dollars ($2,500). ($2,500.00).

Second. That the sum of two thousand dollars ($2,000) annually be appropriated for the equipment and maintenance of the training of students in such useful trades as the Board of Trustees in its wisdom may direct.

Said substitute was adopted.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Elwood Hamilton	W. V. Perry
Robert H. Akin	L. B. Herrington	Marion F. Pogue
P. L. Atherton	A. B. Holland	John A. Polin
J. M. Bean	R. Dillard Hunter	W. A. Price
Thos. M. Bertram	Earl C. Huntsman	Stanley F. Reed
E. Bishop	John G. Kelley	Robt. H. Scott
H. C. Blades	M. C. Kirk	Walter S. Sinclair
John F. Brewer	Charles H. Knight	W. Scott Smith
Wallace Brown	William J. Kuh	Adam Spahn
Wm. L. Bowling	James A. Leach	A. H. Stamper
C. W. Burton	J. Albert Leach	John G. Stoll
G. E. Carroll	F. A. Lochry	C. B. Thompson
George P. Chinn	B. J. Matthews	E. B. Thompson
Sidney J. Collins	S. F. Middleton	Louis B. Tieman
Elkanah Dickey	R. C. McClure	Yeaman Watkins
G. L. Drury	Charles D. McCrea	E. B. Wiley
Ben F. Egleston	W. N. McCubbin	J. H. Williams
J. H. Elder	C. B. Nichols	B. S. Wilson
Eli Farmer	Luther C. Owings	Charles Yancy
John F. Fryer	W. F. Parker	—61
Allie T. Gaines	William A. Perry	

Those who voted in the negative were—

Henry Chunn	D. Clarence Gray	David W. Wiley
		—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 340. An act to provide for the consolidation of trust companies organized under the laws of the State of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any two or more corporations organized under the laws of this State, for the purpose of conducting the business of trust companies, may consolidate their capital stock, assets and management into one organization. The separate existence of each corporation shall continue and all duties, powers and discretions of the constituent companies as personal representative, trustee, assignee, guardian, agent, or otherwise conferred, shall be imposed upon and may be exercised by the consolidated corporation; and such duty, power or discretion, at the time of consolidation or thereafter imposed upon either of the constituent companies, may be performed or exercised by the consolidated corporation in its own name or in the name of the constituent company upon which was imposed or conferred such duty, power, or discretion; or by the constituent company upon which was imposed or conferred such duty, power or discretion; but in every case the consolidated corporation shall be liable for the proper performance of such duty and the proper exercise of such power or discretion.

§ 2. The method and effect of such consolidation shall be as now provided by Sections 555, 555a, 556, 557 and 558 of Chapter 32, Kentucky Statutes, except that as above provid-

ed, the separate existence of the constituent corporations shall not cease, and the consolidated corporation and the constituent corporations shall continue to exist, the management of said consolidated corporation and each of said constituent corporations being in the directors and officers of the consoldiated corporation.

§ 3. Whereas, much doubt exists as to the effect of a consolidation, under the present law, of companies organized to conduct the business of trust companies, and such doubt is interfering with such consolidation, therefore, an emergency is declared to exist, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Sidney J. Collins	Earl C. Huntsman
P. L. Atherton	W. L. Craig	Green R. Keller
George Baker	Elkanah Dickey	M. C. Kirk
J. M. Bean	G. L. Drury	Charles H. Knight
Thos. M. Bertram	J. H. Elder	William J. Kuh
E. Bishop	Eli Farmer	James A. Leach
H. C. Blades	John F. Fryer	J. Albert Leach
John F. Brewer	Elwood Hamilton	F. A. Lochry
Wallace Brown	V. D. Hammond	Harry J. Meyers
Wm. L. Bowling	A. B. Hatton	S. F. Middleton
W. Frank Cole	L. B. Herrington	Charles D. McCrea

C. B. Nichols	H. A. Schoberth	Louis B. Tieman
Ben E. Niles	Robt. H. Scott	Yeaman Watkins
Luther C. Owings	W. A. Shawler	E. B. Wiley
A. W. Palmer	Walter S. Sinclair	David W. Wiley
William A. Perry	W. Scott Smith	J. H. Williams
Marion F. Pogue	Adam Spaln	B. S. Wilson
John A. Polin	A. H. Stamper	Charles Yancy
W. A. Price	John G. Stoll	—57
Stanley F. Reed	C. B. Thompson	

Those who voted in the negative were—

Joe Hall	W. J. Jackson	B. J. Matthews
		—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 246. An act to amend Sections 1 and 4 of Article 17 of An act of the General Assembly of Kentucky approved March 15, 1906, entitled An act relating to revenue and taxation.

Together with an amendment thereto by way of substitute therefor proposed by the Committee on Revenue and Taxation.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section one of Article 17 of an act of the General Assembly of Kentucky, approved March 15, 1906,

entitled, "An act relating to Revenue and Taxation," be amended, revised and re-enacted so as to read as follows:

Section One. The Auditor of Public Accounts may appoint a revenue agent in each county of this Commonwealth, and may, in addition, appoint not exceeding four revenue agents from the State at large, whose term of office shall be the same as that of the Auditor, and expire at the same time, unless they or any one of them are removed by him.

The Auditor of Public Accounts may appoint an officer styled supervisor of revenue agents whose duty it shall be to supervise the accounts of each revenue agent in the State. His office shall be in the office of the Auditor. It shall be the duty of each revenue agent before instituting any action or proceeding which he is authorized by law to institute to file a copy of same with said supervisor and accompany same with a verified statement of the facts upon which it is based, and no action or proceeding shall be instituted by any revenue agent until same is approved by said supervisor and the Auditor of Public Accounts. And no action or proceeding shall be settled by any revenue agent except by judgment in open court, and no compromise or agreed judgment shall be entered in any such action or proceeding until there is filed with the supervisor of revenue agents a statement verified by said revenue agent stating the facts why a compromise or agreed judgment should be entered and shall further state that no agreement of settlement other than the one stated in the report has been directly or indirectly entered into by him or any one for him and that said proposed settlement is for the best interest of the Commonwealth and any false statement in said verified report knowingly made by said revenue agent shall be false swearing and punished as such upon indictment by the grand jury of the county in

which said affidavit is made. Upon receiving said report, it shall be the duty of the supervisor of revenue agents to investigate the action of proceeding in which it is proposed to enter a compromise or agreed judgment and if satisfied it is for the best interest of the Commonwealth to agree to same, he shall so report to the Auditor of Public Accounts and if said Auditor shall approve of said compromise he shall report his approval in writing to the supervisor, who shall also approve same and send it to the revenue agent, who shall file same in court in which said action or proceeding is pending and same shall authorize the court as far as the Commonwealth is concerned to enter said compromise or agreed judgment.

It shall be the duty of said supervisor of revenue agents to examine the books and accounts of said agents at any time he deems proper and said books and accounts shall at all times be open to his inspection. He shall keep a set of books in his office in which shall be kept a list of all actions and proceedings instituted by any revenue agent together with the steps taken in each case and the final disposition of same and each revenue agent is directed to report immediately to said supervisor each step taken in any action or proceeding on behalf of the Commonwealth.

The supervison of revenue agents shall receive a salary of $3,000 money due the State, but same shall be collected as now authorized by law, but any officer authorized by law to collect said money shall upon the collection of same immediately report said fact to said supervisor, who shall enter amount, and by whom collected in a book in his office kept for such purpose.

The supervisor of revenue agents shall receive a salary of $3,000 year, payable monthly, and his necessary traveling

and hotel expenses incurred in the discharge of his duties prescribed in this act to be paid out of the back tax reserve fund hereafter referred to in section four. An account of said expenses verified by said supervisor shall be presented to the Auditor of Public Accounts who shall pass upon and approve the same to the extent he is of the opinion it is just and shall draw his warrant for the same on the State Treasurer, payable to said supervisor, out of the back tax reserve fund.

The Auditor of Public Accounts may appoint a clerk to assist said supervisor at a salary not exceeding fifteen hundred dollars per year, payable monthly out of the aforesaid back tax reserve fund.

Before entering upon the discharge of his duties the supervisor shall take the oath prescribed for State officers and execute a bond to the Commonwealth approved by the Auditor in such sum as may be named by the Auditor.

His term of office shall be the same as that of the Auditor and expire at the same time, but the Auditor has power to remove him at any time.

§ 2. That Section four of said act to be amended, revised and re-enacted so as to read as follows:

Section Four. It shall be the duty of the revenue agent, and the sheriff in each county shall have like power and authority as the revenue agent for said county, to cause to be listed for taxation all property omitted by the Assessor, Board of Supervisors, Board of Valuation and Assessment or Railroad Commission, for any year or years. The officer proposing to have the property assessed shall file in the clerk's office of the county in which property may be

liable to assessment, a statement containing a description and value of the property proposed to be assessed, and the value of the corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the property, and the year or years for which the property is proposed to be assessed. The clerk of the court shall thereupon issue a summons against the owner to show cause before the next regular term of the County Court, which does not commence within five days after service of such summons, why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed, but no judgment by default or otherwise shall be rendered against such alleged owner unless the statement filed shall contain such a description of the property sought to be assessed as will enable the court to identify it. The summons shall be executed by the sheriff of the county by delivering a copy thereof to the owner, if in the county; if not, then to his agent, attorney or person in possession of the property. At the next regular term of the County Court after the summons has been served five days, if it shall appear to the court that the property is liable for taxation, and has not been assessed, the court shall enter an order fixing the value therof at a fair cash value, estimated as required by law; if not liable for taxation, he shall make an order to that effect, and the officer instituting said proceeding shall be liable on his official bond to the defendant for all costs incurred by him in defending said proceeding, and this shall apply to all courts to which said proceedings are taken. The judgment of the court shall have the same force and effect as the judgment of the court in civil cases. Either party may appeal from a decision of the County Court to the Circuit Court and then to the Court of Appeals, as in other civil cases, except that no appeal bond shall be required where the appeal is by the revenue agent or sheriff.

If the court shall decide that the property is liable to assessment, and has not been assessed, the clerk of the County Court shall enter a judgment on a book kept for that purpose assessing said property and fixing the value thereof, and he shall certify the assessment of said property and its value, together with such other facts as may hereafter be required to appear in said judgment by Section six of this article, to the Auditor of Public Accounts, and likewise to the sheriff of the county, together with the amount of penalty and cost of assessment, in order that the taxes due the Commonwealth and county may be collected, with the penalty and costs. All persons owning property which may be assessed as herein provided, shall, in addition to the taxes, pay the costs of the proceedings and a penalty of twenty per centum on the amount of the State and county taxes due, except where such property shall have been duly listed by the owner thereof. The taxes, costs and penalties shall be collected and accounted for as other taxes and penalties are required to be collected, and by the same officers. As compensation for his services in causing such property to be assessed, the officer filing the statement shall be entitled to seventy-five per cent of the penalty of twenty per centum upon both State and county taxes, to be paid to him by the Auditor of Public Accounts, to whom the collecting officer shall pay the whole of said twenty per centum penalty, and the remaining twenty-five per cent of the twenty per centum penalty shall be credited to a back tax reserve fund out of which the salary and expenses of the supervisor of revenue agents and the salary of his clerk shall be paid as hereinbefore provided. The county clerk shall enter all such assessments in said book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and quantity of the property assessed, and the value thereof; and the officer

collecting the taxes shall, when the same is paid, notify the clerk of its payment, which payment shall be noted by the clerk opposite the entry of such assessment.

§ 5. That where any suit instituted by an Auditor's agent or other officer of this Commonwealth to cause the listing for taxation of property alleged to be omitted from assessment is pending in any court of this Commonwealth on January 1, 1912, and it shall appear from the records of said court that for not less than one year prior to January 1, 1912, no steps have been taken by the officer instituting said suit for the prosecution of said suit other than docketing said case or remanding said case or passing said case from time to time, it shall be the duty of the court in which such action is pending, upon the the motion of the defendant in such action, to cause such action to be dismissed without prejudice to the Commonwealth and that the defendant recover from the officer instituting such action his costs therein expended. Provided, however, if it shall be made to appear to the satisfaction of the court that the delay in the prosecution of said action has been due to the defendant, or that such suit contains a question of law which is contained in some other suit, which latter suit is being pressed for a decision on the legal question involved, the period of time shall only be counted from the time when the defendant ceased to obstruct the prosecution of the suit, or from the time when a final decision of the legal question involved in the other suit mentioned shall have been determined.

§ 6. That on and after July 1, 1912, it appearing to any court in which such an action as set out in Section 1 is pending either upon original jurisdiction or appeal that no steps other than docketing the case or remanding the case or pass-

ing the case have been taken by the Commonwealth for the prosecution of said action for a period of two terms of such court, when it is a court having terms, or for a period of ninety (90) juridical days, when it is a court of continuous session it shall be the duty of the judge, on the motion of the defendant in such case, to cause said case to be dismissed without prejudice to the Commonwealth, and in which event the defendant shall recover his costs in said case expended from the officer instituting such action. Provided, however, that if it shall be made to appear to the judge that such delay is at the instance of or caused by defendant then the time shall be computed only from the time when the defendant ceased to obstruct the litigation, and further provided that in any case in which an action of law shall be involved, which is embraced in one or more other cases, and where one of the other cases is being prosecuted for the purpose of obtaining a decision on the question of law involved, the court of the judge thereof in vacation on such fact being made to appear to him by the officer instituting such action, may enter an order extending the time for the prosecution of said action until the final decision of the other case.

§ 7. From and after the period when this act shall take effect, no suit shall be instituted by an Auditor's agent or other officer of this Commonwealth to cause the listing for taxation of property alleged to be omitted from assessment unless the petition or statement states specifically the items of property, designating them by name and character and giving the amount thereof, the same to be sworn to by such Auditor's agent or officer of this Commonwealth, accompanied by a bond with good and sufficient surety to be approved by the court in which the action is brought, conditioned on good faith and compliance with the provisions of this act.

§ 8. In the event of any action being instituted by an Auditor's agent or other officer of this Commonwealth for the purpose of causing the listing of property alleged to have been omitted from assessment for taxation failing either through the lapse of time, as set forth in the preceding sections, or because said action fails to prevail either through absence of fact on which to support it, or because of the inadequacy of the law or evidence, then and in that event the party or parties defendant against whom such action has been instituted may as a remedy sue said Auditor's agent or other officer of this Commonwealth individually and on his bond mentioned in Section 3 for their costs and attorney's fees.

Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section one of Article 17 of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An act relating to Revenue and Taxation," be amended, revised and re-enacted so as to read as follows:

Section One. The Auditor of Public Accounts may appoint a revenue agent in each county of this Commonwealth, and may, in addition, appoint not exceeding four revenue agents from the State at large, whose term of office shall be the same as that of the Auditor, and expire at the same time, unless they or any one of them are removed by him.

The Auditor of Public Accounts may appoint an officer styled supervisor of revenue agents, whose duty it shall be to supervise the accounts of each revenue agent in the State. His office shall be in the office of the Auditor. It shall be the

duty of each revenue agent before instituting any action or proceeding which he is authorized by law to institute to file a copy of same with said supervisor and accompany same with a verified statement of the facts upon which it is based, and no action or proceeding shall be instituted by any revenue agent until same is approved by said supervisor or the Auditor of Public Accounts. And no action or proceeding shall be settled by any revenue agent except by judgment in open court, and no compromise or agreed judgment shall be entered in any such action or proceeding until there is filed with the supervisor of revenue agents a statement verified by said revenue agent stating the facts why a compromise or agreed judgment shauld be entered and shall further state that no agreement of settlement other than the one stated in the report has been directly or indirectly entered into by him or any one for him and that said proposed settlement is for the best interest of the Commonwealth and any false statement in said verified report knowingly made by said revenue agent shall be false swearing and punished as such upon indictment by the grand jury of the county in which said affidavit is made. Upon receiving said report, it shall be the duty of the supervisor of revenue agents to investigate the action or proceeding in which it is proposed to enter a compromise or agreed judgment and if satisfied it is for the best interest of the Commonwealth to agree to same, he shall approve same and send it to the revenue agent, who shall file same in court in which said action or proceeding is pending and same shall authorize the court as far as the Commonwealth is concerned to enter said compromise or agreed judgment.

It shall be the duty of said supervisor of revenue agents to examine the books and accounts of said agents at any time he deems proper and said books and accounts shall at all times be open to his inspection. He shall keep a set of

books in his office in which shall be kept a list of all actions and proceedings instituted by any revenue agent together with the final disposition of same and each revenue agent is directed to report immediately to said supervisor all important steps taken in any action or proceeding on behalf of the Commonwealth.

The supervisor of revenue agents shall receive a salary of $3,000 per year, payable monthly, and his necessary traveling and hotel expenses incurred in the discharge of his duties prescribed in this act to be paid out of the back tax reserve fund hereafter referred to in sction four. An account of said expenses verified by said suprvisor shall be presented to the Auditor of Public Accounts who shall pass upon and approve the same to the extent he is of the opinion it is just and shall draw his warrant for the same on the State Treasurer, payable to said supervisor, out of the back tax reserve fund.

The Auditor of Public Accounts may appoint a clerk to assist said supervisor at a salary not exceeding fifteen hundred dollars per year, payable monthly out of the aforesaid back tax reserve fund.

Before entering upon the discharge of his duties the supervisor shall take the oath prescribed for State officers and execute a bond to the Commonwealth approved by the Auditor in such sum as may be named by the Auditor.

His term of office shall be the same as that of the Auditor and expire at the same time, but the Auditor has power to remove him at any time.

§ 2. That Section four of said act to be amended, revised and re-enacted so as to read as follows:

Section Four. It shall be the duty of the revnue agent, and the sheriff in each county, to cause to be obtained for taxation all property omitted by the Assessor, Board of Supervisors, Board of Valuation and Assessment or Railroad Commission for any year or years. The officer proposing to have the property assessed shall file in the clerk's office of the county in which the property may be liable to assessment, a statement containing a description and value of the property proposed to be assessed, and the value of the corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the property, and the year or years for which the property is proposed to be assessed. The clerk of the court shall thereupon issue a summons against the owner to show cause before the next regular term of the County Court, which does not commence within five days after service of such summons, why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed, but no judgment by default or otherwise shall be rendered against such alleged owner unless the statement filed shall contain such a description of the property sought to be assessed as will enable the court to identify it. The summons shall be executed by the sheriff of the county by delivering a copy thereof to the owner, if in the county; if not, then to his agent, attorney or person in possession of the property. At the next regular term of the County Court after the summons has been served five days, if it shall appear to the court that the property is liable for taxation, and has not been assessed, the court shall enter an order fixing the value thereof at a fair cash value, estimated as required by law; if not liable for taxation, he shall make an order to that effect, and the officer instituting said proceeding shall be liable on his official bond to the defendant for all costs incurred by him in defending said proceeding, and this

shall apply to all courts to which said proceedings are taken. The judgment of the court shall have the same force and effect as the judgment of the court in civil cases. Either party may appeal from a decision of the County Court to the Circuit Court and then to the Court of Appeals, as in other civil cases, except that no appeal bond shall be required where the appeal is by the revenue agent or sheriff. If the court shall decide that the property is liable to assessment, and has not been assessed, the clerk of the County Court shall enter a judgment on a book kept for that purpose assessing said property and fixing the value thereof, and he shall certify the assessment of said property and its value, together with such other facts as may hereafter be required to appear in said judgment by section six of this article, to the Auditor of Public Accounts, and likewise to the sheriff of the county, together with the amount of penalty and cost of assessment, in order that the taxes due the Commonwealth and county may be collected, with the penalty and costs. All persons owning property which may be assessed as herein provided, shall, in addition to the taxes, pay the costs of the proceedings and a penalty of twenty per centum on the amount of the State and county taxes due, except where such property shall have been duly listed by the owner thereof. The taxes, costs and penalties shall be collected and accounted for as other taxes and penalties are required to be collected, and by the same officers. As compensation for his services in causing such property to be assessed, the officer filing the statement shall be entitled to seventy-five per cent of the penalty of twenty per centum upon both State and county taxes, to be paid to him by the Auditor of Public Accounts, to whom the collecting officer shall pay the whole of said twenty per centum penalty, and the remaining twenty-five per cent of the twenty per centum penalty shall be credited to a back tax reserve fund out of

which the salary and expenses of the supervisor of revenue agents and the salary of his clerk shall be paid as hereinbefore provided. The county clerk shall enter all such assessments in said book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and quantity of the property assessed, and the value thereof; and the officer collecting the taxes shall, when the same is paid, notify the clerk of its payment, which payment shall be noted by the clerk opposite the entry of such assessment.

§ 5. That where any suit instituted by an Auditor's agent or other officer of this Commonwealth to cause the listing for taxation of property alleged to be omitted from assessment is pending in any court of this Commonwealth on July 1, 1912, and it shall appear from the records of said court that for not less than one year prior to July 1, 1912, no steps have been taken by the officer instituting said suit for the prosecution of said suit other than docketing said case or remanding said case or passing said case from time to time, it shall be the duty of the court in which such action is pending, upon the motion of the defendant in such action, to cause such action to be dismissed without prejudice to the Commonwealth, and that the defendant recover from the officer instituting such action his costs therein expended. Provided, however, if it shall be made to appear to the satisfaction of the court that the delay in the prosecution of said action has been due to the defendant, or by agreement between such agent or his atorneys and defendant, or that such suit contains a question of law which is contained in some other suit, which later suit is being pressed for a decision on the legal question involved, the period of time shall only be counted from the time when the defendant ceased to obstruct the prosecution of the suit, or from the

time when a final decision of the legal question involved in the other suit mentioned shall have been determined.

§ 6. That on and after July 1, 1912, it appearing to any court in which such an action as set out in Section 1 is steps other than docketing the case or remanding the case, or passing the case, have been taken by the Commonwealth for the prosecution of said action for a period of two terms of such court, when it is a court having terms, or for a period of ninety (90) juridical days, when it is a court of continuous session it shall be the duty of the judge on the motion of the defendant in such case, to cause said case to be dismissed without prejudice to the Commonwealth, and in which event the defendant shall recover his costs in said case expended from the officer instituting such action. Provided, however, that if it shall be made to appear to the judge that such delay is at the instance of or caused by defendant, or by agreement between plaintiff and defendant, or their attorneys, then the time shall be computed only from the time when the defendant ceased to obstruct the litigation, or from the time when said agreement expired, and further provided that in any case in which an action of law shall be involved, which is embraced in one or more other cases, and where one of the other cases is being prosecuted for the purpose of obtaining a decision on the question of law involved, the court or the judge thereof in vacation on such fact being made to appear to him by the officer instituting such action, may enter an order extending the time for the prosecution of said action until the final decision of the other case, or to the time agreed upon by the parties.

§ 7. From and after the period when this act shall take effect, no suit shall be instituted by an Auditor's agent or other officer of this Commonwealth to cause the listing for

taxation of property alleged to be omitted from assessment unless the petition or statement states specifically the items of property, designating them by name and character and giving the amount thereof.

This act shall not relieve the county attorney of his duty of acting as attorney for such agent or to deprive him of the compensation now allowed him by law.

Said substitute was adopted.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Elkanah Dickey	Charles H. Knight
P. L. Atherton	Francis B. Douglas	William J. Kuh
George Baker	G. L. Drury	James A. Leach
J. M. Bean	J. H. Elder	F. A. Lochry
A. V. Bertram	Eli Farmer	Harry J. Meyers
Thos. M. Bertram	John F. Fryer	S. F. Middleton
E. Bishop	Joe Hall	Charles D. McCrea
H. C. Blades	Elwood Hamilton	W. N. McCubbin
Wallace Brown	V. D. Hammond	C. B. Nichols
Wm. L. Bowling	A. B. Hatton	Ben E. Niles
George P. Chinn	James B. Howell	Luther C. Owings
Sidney G. Clay	W. J. Jackson	W. V. Perry
Sidney J. Collins	Green R. Keller	William A. Perry
W. L. Craig	M. C. Kirk	Marion F. Pogue

W. A. Price	W. Scott Smith	Louis B. Tieman
Stanley F. Reed	Adam Spahn	David W. Wiley
Robt. H. Scott	John G. Stoll	Edward L. Young
W. A. Shawler	C. B. Thompson	—52

Those who voted in the negative were—

D. Clarence Gray	John G. Kelley	J. H. Williams

—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 178. An act to amend An act approved March 21, 1910, being Chapted 50 of the Acts of 1910, entitled An act to amend An act entitled An act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended all of which said Act and amendments now appear as Article 3 of Chapter 89, Kentucky Statutes, John D. Carroll's Edition thereof in 1909.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4 of the Acts of the General Assembly of the Commonwealth of Kentucky, being Chapter 50 of the Acts of 1910, approved March 21st, 1910, entitled, "An act to amend an act entitled, 'An act for the government of cities of the second class in the Commonwealth of Kentucky,' which was approved March the 19th, 1894, and thereafter in due course became a law, and as same has since been amended, all

of which said act and amendments now appear as Article 3, of Chapter 89 of the Kentucky Statutes, John D. Carroll's Edition thereof in 1909," be and the same is hereby amended so as to read as follows, to-wit:

"Section 4. All the present city offices save those of Mayor and Police Judge, shall, at the expiration of that year which shall next follow the year in which election is held be ipso facto abolished, if the vote at said election shall be in favor of the organization and government of the city under this act."

"Provided, however, that the offices of City Treasurer, City Clerk, City Assessor, City Engineer, City Jailer and City Attorney shall not be deemed abolished until the expiration of the term of those incumbents who have been duly elected to said offices before the taking effect of this act."

§ 2. That Section 5 of said act approved March 21, 1910, being Chapter 50 of the Acts of 1910, be and the same is hereby amended so as to read as follows, to-wit:

"Section 5. If the year in which such election under this act shall be held in any city, be an even year, and the vote shall be in favor of the organization and government of the city under the provisions of this act, then at the regular city election in the next following odd year, there shall be elected by the qualified, registered voters of said city, four Commissioners and a Mayor, if the term of the then Mayor will expire with such odd year, or four Commissioners and a Police Judge, if the term of the then Police Judge will expire with such odd year.

"If the year in which an election shall be or may have been held in any city, upon the proposition as to whether such

city shall be organized under the provisions of this act, be an odd year, and the vote shall be or was, in favor of such proposition, then at the regular city election in the next following even year, only four Commissioners shall be elected, and the terms of office of such Commissioner elected in such even year, shall be for one year only, and at the regular election in the next following odd year, there shall be elected four Commissioners and a Mayor, if the term of the then Mayor will expire with said year, or four Commissioners and a Police Judge, if the term of the then Police Judge will expire with such year.

"The Mayor, Police Judge and Commissioners shall be nominated and elected from the city at large, and in the manner prescribed in this act."

§ 3. That the portion under Section 6 of said act, approved March 21, 1910, being Chapter 50 of the Acts of 1910, which reads as follows: Upon said ballots the names of said applicants for each nomination shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for each nomination for Mayor, shall be printed the words, "Vote for one," and above the names of the applicants for nominations for Commissioners shall be printed the words, "Vote for four;" be and the same is hereby amended so as to read as follows, to-wit:

"Upon said ballots the names of said applicants for each nomination shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for nomination for Mayor, or Police Judge, as the case may be, shall be printed the words, "Vote for one," and above the names of the applicants for nominations for Commissioners shall be printed the words, "Vote for four."

"That that portion of Section 6 of said act, approved March 21, 1910, being Chapter 50 of the Acts of 1910, which reads as follows: At such primary election the two applicants receiving the highest number of votes for nomination for Mayor shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for Commissioners shall be thereby nominated, be and the same is hereby amended, so as to read as follows, to-wit:

"At such primary election the two applicants receiving the highest number of votes for nomination for Mayor or Police Judge, as the case may be, shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for Commissioners shall be thereby nominated."

§ 4. That Section 7 of said act, approved March 21, 1910, being Chapter 50, of the Acts of 1910, be and the same is hereby amended so as to read as follows, to-wit:

"Section 7. At the regular elections held under this act, the names of the nominees shall be placed in alphabetical order upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful nominees and the heading "City Ballot," and the one nominee receiving the greatest number of votes cast for Mayor or Police Judge (as the case may be), and the four nominees receiving the greatest number of votes cast for commissioners shall be elected, respectively, Mayor, or Police Judge (as the case may be) and Commissioners."

§ 5. That Section 8 and Section 9 of said act of March 21, 1910, being Chapter 50 of the acts of 1910, be and the same hereby are repealed and in lieu thereof the following substituted, to-wit:

"Section 8. Every fourth year after the election at which a Mayor and four Commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices; and every fourth year after the election at which such Police Judge and four Commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices.

§ 6. That the following be and hereby is enacted as Section 9 of said act, approved March 21, 1910, being Chapter 50 of the Acts of 1910.

"Section 9. Any legal voter of not less than twenty-five years of age and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this Act."

That Section 11 of said Act of March 21, 1910, being Chapter 50 of the Acts of 1910, be and the same hereby is amended so as to read as follows, to-wit:

' Section 11. The Commissioners shall be elected each for a term of two years, beginning on the first Monday in January following his election; and each Commissioner shall receive an annual salary of three thousand ($3,000) dollars; provided, however, that the proposition for the organization and organization and government of the city under the provisions of said Act approved March 21, 1910, be adopted, the four Commissioners elected in the next following even year, shall, as hereinbefore provided, hold their office for the term of one year only.

"The Commissioners of each department shall keep a public office at the city building, at which place he may be

found or communicated with during stated hours to be fixed by him for the convenience of the public, unless special duty shall call him elsewhere."

§ 7. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Joe Hall	Luther C. Owings
P. L. Atherton	Elwood Hamilton	William A. Perry
George Baker	V. D. Hammond	W. V. Perry
J. M. Bean	A. B. Hatton	Marion F. Pogue
A. V. Bertram	L. B. Herrington	John A. Polin
Thos. M. Bertram	James B. Howell	S. H. Rogers
E. Bishop	Earl C. Huntsman	H. A. Schoberth
H. C. Blades	Green R. Keller	W. A. Shawler
John F. Brewer	John G. Kelley	Walter S. Sinclair
Wallace Brown	M. C. Kirk	W. Scott Smith
Wm. L. Bowling	Charles H. Knight	Adam Spahn
George P. Chinn	William J. Kuh	John G. Stoll
Sidney G. Clay	James A. Leach	C. B. Thompson
Sidney J. Collins	F. A. Lochry	E. B. Thompson
Elkanah Dickey	Harry J. Meyers	Louis B. Tieman
Francis B. Douglas	S. F. Middleton	Yeaman Watkins
G. L. Drury	Charles D. McCrea	David W. Wiley
Ben F. Egleston	W. N. McCubbin	J. H. Williams
J. H. Elder	C. B. Nichols	B. S. Wilson
Eli Farmer	Ben E. Niles	Charles Yancy

—60

Those who voted in the negative were—

D. Clarence Gray

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 258. An act to amend an act entitled An act to provide for the establishment and maintenance in counties which contain a city of the fourth class of a hospital for the treatment of persons afflicted with tuberculosis.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled, "An act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis," approved March 17, 1906, be and the same is hereby amended by adding thereto the following section:

§ 1. "Said Board of Tuberculosis Hospital shall be authorized to provide for the instruction and training of nurses and to issue diplomas to such pupils of good moral character as have attended its courses of instruction and been engaged as nurses in its hospital or under its charge for a period or periods aggregating not less than twenty-four months and who have also passed with credit an examination proving their compentency as such trained nurses to the satisfaction of said Board."

§ 2. This act shall take effect from its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl
P. L. Atherton
George Baker
J. M. Bean
A. V. Bertram
Thos. M. Bertram
E. Bishop
Wallace Brown
Wm. L. Bowling
George P. Chinn
Sidney G. Clay
Sidney J. Collins
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
D. Clarence Gray
Joe Hall
Elwood Hamilton
A. B. Hatton
L. B. Herrington
Green R. Keller
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
Harry J. Meyers
S. F. Middleton
Charles D. McCrea
W. N. McCubbin
C. B. Nichols
Ben E. Niles
Luther C. Owings
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
Robt. H. Scott
Walter S. Sinclair
W. Scott Smith
Adam Spahn
John G. Stoll
C. B. Thompson
Louis B. Tieman
Yeaman Watkins
David W. Wiley
B. S. Wilson
Charles Yancy

—52

Those who voted in the negative were:

John G. Kelley

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 475. An act to provide for the payment to sheriffs or other peace officers for guarding juries in felony cases when ordered by the court.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any sheriff or other peace officer is ordered by the judge of any Circuit Court of this Commonwealth to guard and keep together any jury in any felony or murder case, that said sheriff shall be allowed the sum of $1.50 per day and if said sheriff has charge of said jury over night he shall be allowed the further sum of $1.50 for each and every night that he has charge of said jury, the same to be paid to said sheriff by the Commonwealth of Kentucky in the same manner as other claims are paid in felony cases.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Thos. M. Bertram	Wm. L. Bowling
P. L. Atherton	E. Bishop	George P. Chinn
George Baker	H. C. Blades	Sidney G. Clay
J. M. Bean	Wallace Brown	Sidney J. Collins

Elkanah Dickey	Harry J. Meyers	Robt. H. Scott
Francis B. Douglas	S. F. Middleton	W. A. Shawler
G. L. Drury	Charles D. McCrea	Walter S. Sinclair
J. H. Elder	W. N. McCubbin	W. Scott Smith
Joe Hall	C. B. Nichols	Adam Spahn
Elwood Hamilton	Ben E. Niles	John G. Stoll
V. D. Hammond	Luther C. Owings	C. B. Thompson
L. B. Herrington	A. W. Palmer	Louis B. Tieman
Green R. Keller	William A. Perry	Yeaman Watkins
Charles H. Knight	W. V. Perry	E B. Wiley
William J. Kuh	Marion F. Pogue	J. H. Williams
James A. Leach	John A. Polin	B. S. Wilson
F. A. Lochry	W. A. Price	Charles Yancy

—51

Those who voted in the negative were—

A. V. Bertram D. Clarence Gray

—2

Resolved that the title thereof be as aforesaid.

And then the House adjourned.

SATURDAY, MARCH 9, 1912.

The House was opened with prayer by the Rev. C. C. Penick of the Protestant Episcopal Church of the City of Frankfort.

The reading of the Journal of the proceedings of yesterday was dispensed with.

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 188. An act to designate a State Flower and a State Tree.

S. B. 202. An act in relation to public schools; teachers therein, examination for certificates and the eligibility of the teacher to hold the office of Superintendent of County Schools.

S. B. 230. An act to provide for the enforced attendance of children in the common schools and graded common schools of this Commonwealth.

S. B. 254. An act for the relief of sub-school districts and relating to old debts.

S. B. 210. An act to repeal An act to establish a Common School for the benefit of colored people of Catlettsburg and vicinity.

S. B. 355. An act to amend and re-enact Sections 3942a and 3942b Kentucky Statutes Edition 1909, relating to the duties and powers of the Commissioners of the Sinking Fund and the duties and powers of the Custodian of Public Buildings and authorizing the Commissioners of the Sinking Fund to have improvements and repairs made to the Capitol building and grounds and the power plant and the power house.

S. B. 189. An act to prohibit the use of either the word "bank" or "trust" as a part of any name or title or in advertisement of any person, firm, association or corporation excepting by such corporation as are authorized under and comply with the laws relating to a bank or trust company and providing a penalty for the violations hereof.

S. B. 260. An act prohibiting the sale of intoxicating liquors within four hundred feet of Normal School and State College.

S. B. 309. An act designating the method of selecting a person to act in the absence of, or disqualification of a County Judge.

S. B. 88. An act to regulate the employment of females in order to safeguard their health.

S. B. 100. An act concerning Circuit Courts having seven judges.

S. B. 101. An act to authorize and to add one additional judge to the Circuit Court for the Thirteenth Circuit Court District.

S. B. 239. An act prohibiting the unlawful issuing, selling, exchanging, using or giving away of any transfer ticket or written or printed instrument giving or purporting to give the right of transfer of any street car or other public conveyance, and prescribing a penalty therefor.

S. B. 227. An act to require railroad companies to stop all passenger trains at any station where may be located any State Penitentiary.

H. B. 547. An act regulating contracts of surety between common carriers and their employees and sureties upon such contracts.

S. B. 192. An act to authorize the auditing and provide for the payment of the deficit occassioned by the House of Reform, to prohibit the incurrence of debt by said institution in excess of the appropriations for its use and maintenance and to provide a penalty therefor.

S. B. 356. An act for the benefit of the Western Kentucky State Normal School, and authorizing the Board of

Regents for Normal School District No. 2 to hold the title of certain real estate and sell and convey the same and to borrow money and to mortgage said real estate to secure such indebtedness.

S. B. 9. An act to amend and re-enact Section 20 of Chapter 13 of Acts of 1910, entitled An act creating a County Text Book Commission.

S. B. 194. An act to further regulate assessment fire insurance companies.

S. B. 295. An act for the benefit of the Western Kentucky Industrial College.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Young of the Committee on Revenue and Taxation:

S. B. 164. An act to amend Section 4224 Kentucky Statutes, Carroll's Edition, in regard to revenue and taxation.

By Mr. C. B. Thompson of the Committee on Judiciary:

S. B. 138. An act to authorize the investigation and exhumation of any body whose death resulted from suspected poisoning or other illegal cause unknown and the employment of competent medical assistance in determining the same.

By Mr. Akin of the Committee on Insurance—Life and Accident:

S. B. 359. An act providing for an annual tax on each one hundred dollars of value of the shares of stock in all life insurance companies chartered by and doing business in the State of Kentucky.

By Mr. King of the Committee on Immigration and Labor:

S. B. 136. An act to amend an act entitled An act to further regulate the Bureau of Agriculture, Labor and Statistics approved March 17, 1902, and being Section 33a of the Kentucky Statutes.

By Mr. Lochry of the Committee on Classification of Cities and Towns:

S. B. 274. An act to amend and re-enact an act entitled An act to amend An act entitled An act to amend An act entitled An act to amend An act entitled An act to assign the cities and towns of this Commonwealth to the class to which they belong, approved March 16, 1910.

By same:

S. B. 72. An act to amend Section 760 of the Civil Code of Practice.

By same:

S. B. 281. An act to amend and re-enact Section 75 of the Criminal Code of Practice.

By Mr. Pogue of the Committee on Education No. 1:

S. B. 109. An act to provide for the teaching of agriculture in the common schools of the Commonwealth of Kentucky.

By Mr. Gray of the Committee on Forestry:

S. B. 155. An act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for a National Forest Reserve.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Baker presented the following petition, viz.:

Henderson, Ky., March 6, 1912.

To the Honorable Senate and House of Representatives,
Frankfort, Ky.

We, the representatives of five thousand honest law-abiding citizens and loyal American Coal Miners, residents of Western Kentucky, now in convention assembled in Henderson, Ky., do hereby, most earnestly and sincerely, ask of you to pass and enact into laws House Bills Nos. 147 and 211, which Bills in the Senate are Nos. 131 and 186 respectively. After a most careful examination of these Bills we are convinced that they are fair and just, that they do not have reference to wages or conditions of employments, that the only object sought and amend at in these Bills is to provide for a better system of ventilation and to prevent a possible disaster from the firing of shots in coal mines. We wish to call to your attention the fact that in Muhlenberg County there has been three mine disasters in less than four years, which has

taken the life of 49 honest coal miners, who have left behind them 40 widows and 124 orphan children, most of whom today are in destitute circumstances and are living today on the money earned by taking in washing for their more fortunate neighbors and the charity of friends. We, therefore, ask you in commemoration of those who have lost their lives in the interest of those who are yet living to pass these bills, and prevent, if possible, a further useless sacrifice of human life.

ROBERT M. ROLL, President, Henderson, Ky.
H. H. VINCENT, Sec-Treas., Central City, Ky.

Committee on Resolutions.

GUS MATHIEN, Owensboro, Ky.
D. R. CHILDS, B. M. DISH, No. 23.
Cleaton, Ky.
W. D. DUNCAN, Nelson Creek, Ky.
GEORGE BAKER, Representative Member International Executive Board U. M. W. of A.

Which was received, its reading dispensed with and referred to the Committee on Mines and Mining.

Mr. Bean offered the following resolution, viz.:

Whereas, our respected member of the House, the Hon. L. B. Owen, of Carlisle County, was called from this body to his home on account of the severe illness of his father, Dr. ———— Owens, and

Whereas, the said illness of his father resulted in his demise on Wednesday last, March 6,

Therefore, be it resolved by this House,

1. That while we realize that our beloved and Honored Member has and is just passing through the trying ordeal that all of use have or must pass, ere we quit this stage of action, yet our hearts go out in the greatest sympathy to all who are and must be thusly bereaved, and we do especially extend our warmest sympathy to our respected member, L. B. Owens, in this sad hour. While we have missed his presence on the floor of this House and his support of measures in which he was interested and stood, we commend his loyalty and devotion to his first duty, that of administering earthly comfort in the closing chapter of life to the one who gave to him his existence, rather than his services to the constituency who so justly honored him with the seat he occupies in this Honorable body. Let us hope while we are extending our deepest sympathy to our loved and respected member that he may be permitted to attent the closing hours of this Session so that we may personally and individually extend to him our confidence in his worth, our faith in him as a man and our sympathy to him and his family in his irreparable loss.

2. Be it further resolved that these resolutions be entered in the House Journal, that the Frankfort State Journal and the Louisville Courier-Journal be requested to publish same, and that a copy be sent to the Hon. L. B. Owens and family.

Which was unanimously adopted.

Mr. Bowling offered the following concurrent resolution, viz.:

Whereas, There is now pending before the Congress of the United States, in which measure it is sought to take steps to commemorate the memory of the North American Indians and preserve the relics thereof, and

Whereas, the Great Sachem of the I. O. R. M., of Kentucky, has received from the Honorable Swager Shirley, Ben Johnson and J. Campbell Cantrill and other Members of the House of Representatives of Kentucky in the Congress of the United States letters approving of the passage of said Bill;

Therefore, be it resolved by the House of Representatives, the Senate concurring therein that we, the General Assembly of the Commonwealth of Kentucky hereby endorse the action of our Representatives in the Congress of the United States in their efforts to secure the passage of said bill, and call upon the Honorable Thomas H. Paynter, William O. Bradley and the Senator-elect, Ollie M. James, to lend their assistantce in the passage of said bill.

Said resolution was adopted.

Mr. Keller offered the following joint resolution, viz.:

Resolution, recommending and urging holdover Senators and Members-elect to the 1914 Session of the General Assembly to attend the Greater Kentucky Convention to be held in Louisville, on November 12 and 13, 1913.

Whereas, the Second Greater Kentucky Convention will be held in Louisville, November 12 and 13, 1913, and will be composed of representative delegates from the fiscal courts, municipalities and commercial organizations of Kentucky and questions of vital interest to Kentucky, many of which will require legislative attention, will be discussed and analyzed by experienced men, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky that holdover Senators, Senators and

Members-elect to the 1914 Session of the General Assembly be invited and urged to attend said convention.

Said resolution was adopted.

Mr. Niles offered the following joint resolution, viz.:

JOINT RESOLUTION.

A resolution authorizing William E. Riley as Trustee in Bankruptcy of the Globe Printing Company to institute suit against the Commonwealth for the recovery of money due the Globe Printing Company for furnishing to the County of Beckham record books, and for other printing and binding done by said Globe Printing Company under its contract with the State as Public Printer.

Whereas, The Globe Printing Company heretofore, under contract with the State as Public Printer, did under said contract furnish to the County of Beckham certain record books and other printing and binding such as it, as Public Printer was required to furnish to the several Counties and State Departments, and

Whereas, The Globe Printing Company did other printing and binding for which settlement was not made in full by the State.

Now, Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That William E. Riley, as Trustee in Bankruptcy of the Globe Printing Company, or his successor in office, is hereby authorized to institute suit against the Commonwealth of

Kentucky for any claim he may have, as such Trustee, against the Commonwealth in the Franklin Circuit Court.

Said resolution was adopted.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 238. An act to divide Kentucky into eleven Congressional Districts.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commonwealth of Kentucky be, and the same is now hereby divided into eleven Congressional Districts as follows:

The First District shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken and Trigg.

The Second District shall be composed of the counties of Christian Daviess, Hancock, Henderson, Hopkins, McLean, Union and Webster.

The Third District shall be composed of the counties of Allen, Butler, Barren, Edmonson, Logan, Metcalfe, Muhlenburg, Simpson, Todd and Warren.

The Fourth District shall be composed of the counties of Breckinridge, Bullitt, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Ohio, Taylor and Washington.

The Fifth District shall be composed of the county of Jefferson.

The Sixth District shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton and Trimble.

The Seventh District shall be composed of the counties of Bourbon, Clark, Estill, Fayette, Franklin, Henry, Lee, Oldham, Owen, Powell, Scott and Woodford.

The Eighth District shall be composed of the counties of Adair, Anderson, Boyle, Casey, Garrard, Jessamine, Lincoln, Madison, Mercer, Shelby and Spencer.

The Ninth District shall be composed of the counties of Bracken, Bath, Boyd, Carter, Elliott, Fleming, Greenup, Harrison, Lewis, Lawrence, Mason, Menifee, Morgan, Nicholas, Robertson, Rowan, Wolfe, Montgomery and Breathitt.

The Tenth District shall be composed of the counties of Floyd, Jackson, Johnson, Knott, Letcher, Martin, Magoffin, Owsley, Pike and Perry.

The Eleventh District shall be composed of the counties of Bell, Clay, Clinton, Cumberland, Harlan, Knot, Leslie, Monroe, Pulaski, Russell, Rockcastle, Wayne, Whitley and Laurel.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. An emergency is declared to exist and this act shall take effect and be in force from and after its passage and approval by the Governor.

The following amendments were offered to said bill, viz.:

By Mr. Keller:

1. Amend Senate Bill 238 by striking out of paragraph naming counties composing the Ninth Congressional District the counties of "Boyd and Lawrence," and adding to paragraph naming counties composing the Tenth Congressional District the counties of "Boyd and Lawrence."

By Mr. Herrington:

2. Amend by taking Clark County out of the Seventh District and placing same in the Eighth District.

By Mr. Forgy:

3. Amend by putting McLean County in the Third District, Ohio County in the Second District and Butler in the Fourth District.

By Mr. Sinclair:

4. Amend Eighth District as defined in said bill by striking from the list of counties named for the Eighth Congressional District "Adair" insert in the list of Counties named for Eleventh after the last county named therewith "Adair County."

By Mr. McClure:

5. Amend Ninth and Tenth Districts as defined in said bill by striking from the list of counties named for the Ninth Congressional District "Lawrence" and adding to the list of counties named for the Tenth Congressional District "Lawrence County."

By Mr. Huntsman:

6. Amend by putting Todd in the Second District and adding Monroe to the Third District.

By Mr. Reed:

7. Amend by taking Montgomery from the Ninth and placing it in the Seventh.

By Mr. Reed:

8. Amend by taking Breathitt from the Ninth and placing it in the Seventh.

By Mr. W. V. Perry:

9. Amend by taking Bath from Third and placing it in Fourth and by taking Hart from Fourth and placing it in Third.

Said amendments were severally disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by it title and passed.

The yeas and nays being taken there on in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Eli Berry	J. M. Bean
Eugene G. Asher	A. V. Bertram	E. Bishop

H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
W. L. Craig
Elkanah Dickey
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Elwood Hamilton
A. B. Hatton
A. B. Holland
John W. Holland
James B. Howell
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
John G. Kelley
W. E. King
M. C. Kirk
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
C. B. Nichols
Ben E. Niles
Luther C. Owings
W. F. Parker
J. R. Paxton
William A. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
W. Scott Smith
Adam Spahn
A. H. Stamper
C. B. Thompson
D. B. Thurman
Yeaman Watkins
David W. Wiley
B. S. Wilson
Edward L. Young
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Those who voted in the negative were—

George Baker
Thos. M. Bertram
Sidney J. Collins
S. Walton Forgy
John F. Fryer
Joe Hall
L. B. Herrington
Green R. Keller
William J. Kuh
B. J. Matthews
R. C. McClure
W. N. McCubbin
A. W. Palmer
W. V. Perry
Stanley F. Reed
Walter S. Sinclair
Charles Yancy
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The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 551. An act to create the Sixteenth and Nineteenth Senatorial Districts of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Sixteenth and Nineteenth Senatorial Districts of Kentucky be, and the same are hereby, created as follows:

1. The Sixteenth Senatorial District of Kentucky shall consist of the Counties of Clinton, Cumberland, Monroe, Russell and Wayne.

2. The Nineteenth Senatorial District shall consist of the Counties of Adair, Barren and Metcalfe.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	George P. Chinn	John M. Farra
J. M. Bean	W. L. Craig	S. Walton Forgy
Eli Berry	Elkanah Dickey	John F. Fryer
H. C. Blades	Francis B. Douglas	D. Clarence Gray
Wallace Brown	G. L. Drury	T. J. Gregory
C. W. Burton	Ben F. Egleston	Elwood Hamilton

V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
R. Dillard Hunter
W. J. Jackson
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
C. B. Nichols
Ben E. Niles
Luther C. Owings
J. R. Paxton
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
Adam Spahn
D. B. Thurman
Louis B. Tieman
B. S. Wilson
Charles Yancy
Edward L. Young
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Those who voted in the negative were—

William Ahl
Eugene G. Asher
George Baker
A. V. Bertram
Thos. M. Bertram
E. Bishop
John F. Brewer
Hiram Brown
Wm. L. Bowling
Henry Chunn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
J. H. Elder
Eli Farmer
Allie T. Gaines
Joe Hall
Earl C. Huntsman
Green R. Keller
John G. Kelley
M. C. Kirk
J. Albert Leach
B. J. Matthews
Emanuel Meyer
R. C. McClure
W. N. McCubbin
A. W. Palmer
W. F. Parker
Stanley F. Reed
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
John G. Stoll
Yeaman Watkins
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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 46. An act for the benefit of the Kentucky Institution for the education of the blind by making an appropriation therefor and providing for the periods of payment.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the annual appropriation to the Kentucky Institution for the Education of the Blind be and the same is hereby increased from $15,000.00 to $20,000.00 annually.

§ 2. That the Auditor is hereby authorized and directed to draw his warrant in favor of the treasurer of the Kentucky Institution for the Education of the Blind quarterly upon the treasurer of the Commonwealth in advance, to-wit: that a warrant for the first two quarters of the year 1912 shall be issued for $10,000.00 on April 1, 1912, and subsequently a warrant on the 1st day of July for $5,000.00 and on the 1st day of October for $5,000.00 and on the 1st day of the following January for $5,000.00 and so on thereafter for the succeeding quarters, a warrant for $5,000.00.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. An emergency is hereby declared to exist and this act shall become effective on and after its passage and approval at the hands of the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John F. Fryer	R. C. McClure
George Baker	Allie T. Gaines	W. N. McCubbin
J. M. Bean	T. J. Gregory	Ben E. Niles
Eli Berry	Elwood Hamilton	Luther C. Owings
A. V. Bertram	V. D. Hammond	A. W. Palmer
Thos. M. Bertram	A. B. Hatton	W. F. Parker
E. Bishop	L. B. Herrington	William A. Perry
John F. Brewer	Earl C. Huntsman	W. V. Perry
Hiram Brown	W. J. Jackson	Marion F. Pogue
Wallace Brown	Green R. Keller	Stanley F. Reed
Wm. L. Bowling	John G. Kelley	H. A. Schoberth
George P. Chinn	W. E. King	W. Scott Smith
Henry Chunn	M. C. Kirk	Adam Spahn
W. Frank Cole	Charles H. Knight	John G. Stoll
Sidney J. Collins	William J. Kuh	C. B. Thompson
W. L. Craig	James A. Leach	D. B. Thurman
Francis B. Douglas	J. Albert Leach	Louis B. Tieman
Ben F. Egleston	F. A. Lochry	David W. Wiley
J. H. Elder	B. J. Matthews	J. H. Williams
Eli Farmer	Emanuel Meyer	B. S. Wilson
John M. Farra	S. F. Middleton	Edward L. Young

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Those who voted in the negative were—

D. Clarence Gray Yeaman Watkins

—2

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 257. An act to provide for the officers of the State registering on the day of an election.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All officers of the State of Kentucky who are absent from the town or county of their residence on election day, are hereby authorized to register as voters before the county clerk on the day of any election.

§ 2. The county clerk of the county of their residence shall issue to such officers on the day of any election, a certificate of registration which shall have the same effect as if issued by the regular registration officers.

§ 3. All laws or parts of laws in conflict herewith are repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	E. Bishop	George P. Chinn
Robert H. Akin	John F. Brewer	Henry Chunn
George Baker	Hiram Brown	W. Frank Cole
J. M. Bean	Wallace Brown	Sidney J. Collins
A. V. Bertram	C. W. Burton	W. L. Craig

Elkanah Dickey	W. E. King	Marion F. Pogue
Francis B. Douglas	M. C. Kirk	W. A. Price
Ben F. Egleston	Charles H. Knight	Stanley F. Reed
J. H. Elder	William J. Kuh	S. H. Rogers
Eli Farmer	J. Albert Leach	H. A. Schoberth
John M. Farra	F. A. Lochry	Robt. H. Scott
John F. Fryer	Hugh Mahin	W. A. Shawler
D. Clarence Gray	B. J. Matthews	Walter S. Sinclair
T. J. Gregory	Emanuel Meyer	W. Scott Smith
Joe Hall	Harry J. Meyers	Adam Spahn
Elwood Hamilton	S. F. Middleton	John G. Stoll
V. D. Hammond	R. C. McClure	E. B. Thompson
A. B. Hatton	W. N. McCubbin	D. B. Thurman
L. B. Herrington	C. B. Nichols	Louis B. Tieman
A. B. Holland	Ben E. Niles	Yeaman Watkins
John W. Holland	Luther C. Owings	J. H. Williams
James R. Howell	A. W. Palmer	Charles Yancy
W. J. Jackson	J. R. Paxton	Edward L. Young
Green R. Keller	William A. Perry	—73
John G. Kelley	W. V. Perry	

Resolved that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 19. An act creating the Thirty-fifth Judicial District of Kentucky.

H. B. 28. An act to repeal an act entitled An act to establish a Bureau of Vital Statistics and to provide for the immediate registrations of all births and deaths, etc., etc.

H. B. 55. An act appropriating money for the erection of buildings and other improvements upon the State Fair grounds and providing for the maintenance of same.

H. B. 91. An act to provide for the sale and purchase of the assets of a corporation created under the laws of this Commonwealth whose charter will expire within two years from the date of such sale and purchase.

H. B. 99. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Circuit Court District.

H. B. 103. An act to amend Chapter 113, Article 6a Carroll's Kentucky Statutes, 1909, page 133, Act of March 24, 1908, Districts, Trustees, Teachers, Taxation.

H. B. 206. An act to amend and re-enact Section 4683a Kentucky Statutes.

H. B. 309. An act for the benefit of the Attorney General's office allowing $1,200 annually for additional clerk hire.

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

H. B. 329. An act to regulate the time of holding the terms of the circuit courts in the Twentieth Judicial District.

H. B. 445. An act concerning annuities for aged, infirm, disabled, diseased or retired teachers in cities of the first class providing the payment of such annuities out of a fund to which teachers shall contribute, providing for a Board of Trustees for the management and distribution of such fund and prescribing regulations relative to the mode of obtaining, preserving, using and disbursing such fund and

providing that the Treasurer of the Board of Education shall be Treasurer thereof.

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenue for the maintenance of said Experiment Station and for conducting experiments in the various lines of agriculture and to meet the increased demands upon it as a public instituton.

With an amenndment to the last named bill.

Said amendment is as follows, viz.:

Amend Section 1st as follows:

In lines three and four of the printed bill strike out the words "the following sums of money;" in line four strike out the word "twenty," and in lieu thereof add fifty, and the figures $20,000, and in lieu thereof add $50,000.

In line twelve, strike out the words "ten thousand dollars" and the figures $10,000.

In line twenty-six, strike out the words "ten thousand dollars," and the figures $10,000, in the line thirty, strike out the word "ten" and in the line thirty-one strike out the words "ten thousand dollars" and the figures $10,000.

In line thirty-five strike out the words "ten thousand dollars" and the figures $10,000.

In line forty strike out the words "fifteen thousand dollars" and the figures $15,000.

In line forty-seven, strike out the words "ten thousand," in line forty-eight the word "dollars" and the figures $10,000, and add the following words after the words "said Station," in line forty-eight "and for the purpose of enlarging the hog cholera serum plant now at said Station, and for the production of hog cholera serum and virus in large quantites for the benefit of the farmers of the State. Said sermum and virus to be furnished the farmers of this State at partial cost of production and not to exceed one cent per cubic centimeter and to be distributed through such channels as the director of the said Experiment Station may deem it advisable for the protection of the swine interests of the State."

(For Bill see House Journal February 6th.)

Said amendment was concurred in.

The question being taken on the passage of said bill as amened it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	Eli Farmer
Robert H. Akin	George P. Chinn	John M. Farra
George Baker	Henry Chunn	S. Walton Forgy
Eli Berry	Sidney G. Clay	John F. Fryer
A. V. Bertram	W. Frank Cole	T. J. Gregory
Thos. M. Bertram	Sidney J. Collins	Joe Hall
E. Bishop	W. L. Craig	Elwood Hamilton
John F. Brewer	Francis B. Douglas	V. D. Hammond
Hiram Brown	G. L. Drury	A. B. Hatton
Wallace Brown	Ben F. Egleston	L. B. Herrington
Wm. L. Bowling	J. H. Elder	A. B. Holland

John W. Holland	W. N. McCubbin	W. A. Shawler
John G. Kelley	C. B. Nichols	Walter S. Sinclair
W. E. King	Ben E. Niles	W. Scott Smith
M. C. Kirk	Luther C. Owings	Adam Spahn
Charles H. Knight	A. W. Palmer	A. H. Stamper
William J. Kuh	W. F. Parker	John G. Stoll
James A. Leach	J. R. Paxton	C. B. Thompson
F. A. Lochry	William A. Perry	Louis B. Tieman
B. J. Matthews	W. V. Perry	Yeaman Watkins
Emanuel Meyer	Marion F. Pogue	David W. Wiley
S. F. Middleton	S. H. Rogers	J. H. Williams
R. C. McClure	Robt. H. Scott	Charles Yancy

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Those who voted in the negative were—

D. Clarence Gray —1

Mr. Hamilton moved that when the House adjourn at 1:30 o'clock p. m. it be to meet again at 3:30 o'clock this afternoon.

Said motion was agreed to.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 19. An act creating the Thirty-fifth Judicial District of Kentucky.

H. B. 80. An act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenue for the maintenance of said Experiment Station and for conducting experiments in the various lines of agriculture and to meet the increased demands made upon it as a public institution.

H. B. 79. An act to enable counties or parts of counties to erect and furnish schoolhouses and to provide the mode therefor by the issuance of bonds.

H. B. 92. An act for the benefit of the Department of Agriculture, Labor and Statistics, appropriating money thereto and enlarging the powers thereof.

H. B. 225. An act for the benefit of the three educational instituitons, viz.: the State University, Lexington, Kentucky, Eastern Kentucky State Normal School, and Western Kentucky State Normal School appropriating money for the payment of debts incurred for necessary buildings furnishings necessary equipment and for expansion of work and also providing additional revenue for the maintenance of said institutions.

S. B. 3. An act to create and establish a Department of Public Roads and a system of public State roads and to provide for the maintenance thereof.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed

by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

And then the House recessed until 3:30 o'clock.

AFTERNOON SESSION.

At 3:30 o'clock the House reconvened.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Polin of the Committee on Circuit Courts:

S. B. 300. An act to amend Section 965 of Subdivision 1 of Article 2 of Chapter 35 of the Kentucky Statutes, Carroll's Edition, 1909, so far as said section applies to the holding of circuit courts in the counties of Carroll and Gallatin in the Fifteenth Judicial District and so far as it applies to the holding of circuit courts in the counties of Owsley, Perry, Leslie and Letcher in the Thirty-third Judicial District and the holding of circuit courts in the counties of Lee, Estill, Breathitt and Wolfe in the Twenty-third Judicial District.

By Mr. Dickey of the Committee on Apprpiriations:

S. B. 278. An act for the benefit of Mrs. L. E. Tandy.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Hamilton moved that when the House adjourn today it be to meet at 10 o'clock a. m. on Monday next.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 175. An act to amend Section 4143 of the Kentucky Statutes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4143 of the Kentucky Statutes be and the same is hereby amended and changed by striking out the words, "the first day of December," and inserting in lieu thereof the words, "31st day of December," so that said section as amended and changed shall read as follows:

"The sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, August, September, October, November and December, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay the same immediately, and shall account for and pay all taxes which he has collected for the State into the State treasury by the 1st day of December in each year; and upon his failing to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred

dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin County at the next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of December in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this act."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who vote in the affirmative were—

Eugene G. Asher	George P. Chinn	Allie T. Gaines
J. M. Bean	Sidney G. Clay	D. Clarence Gray
Eli Berry	W. Frank Cole	T. J. Gregory
A. V. Bertram	Elkanah Dickey	Joe Hall
Thos. M. Bertram	Francis B. Douglas	Elwood Hamilton
E. Bishop	G. L. Drury	V. D. Hammond
H. C. Blades	Ben F. Egleston	A. B. Hatton
Hiram Brown	J. H. Elder	A. B. Holland
Wallace Brown	Eli Farmer	James R. Howell
Wm. L. Bowling	John M. Farra	R. Dillard Hunter
C. W. Burton	S. Walton Forgy	W. J. Jackson
G. E. Carroll	John F. Fryer	Green R. Keller

John G. Kelley	W. N. McCubbin	Adam Spahn
W. E. King	Ben E. Niles	John G. Stoll
M. C. Kirk	Luther C. Owings	C. B. Thompson
William J. Kuh	A. W. Palmer	E. B. Thompson
James A. Leach	John A. Polin	D. B. Thurman
J. Albert Leach	Stanley F. Reed	Louis B. Tieman
F. A. Lochry	Robt. H. Scott	Yeaman Watkins
Emanuel Meyer	W. A. Shawler	David W. Wiley
S. F. Middleton	Walter S. Sinclair	Charles Yancy
Charles D. McCrea	W. Scott Smith	—64

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 225. An act for the benefit of the Kentucky School for the Deaf and the Teachers and Supervisors therein.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas there has been no increase in the salaries paid to female teachers and supervisors in the Kentucky School for the Deaf at Danville, Kentucky, for many years, and whereas, in view of the expensive and special training now required for proper preparation for the skilled services demanded by up-to-date teachers and supervisors in such an institution, and, in view of the increased cost of living, the salaries now paid are inadequate and far below the average salaries paid by like institutions for like services, therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky that the sum of $5,000.00 is hereby

annually appropriated in addition to the sums heretofore appropriated, for the purpose of paying teachers and supervisors in the said institution, and more especially for the purpose of providing for proper and adequate increase in the salaries of the lady teachers and supervisors of said institution. The Board of Commissioners of said institution, which fixes salaries, has the discretion to use the whole or any part of said sum annually for the purpose of providing for such salaries as they deem are proper and adequate to secure the skilled services of teachers and supervisors in said institution.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who vote in the affirmative were—

William Ahl	C. W. Burton	John F. Fryer
Robert H. Akin	G. E. Carroll	D. Clarence Gray
Eugene G. Asher	George P. Chinn	Joe Hall
J. M. Bean	Sidney G. Clay	Elwood Hamilton
Eli Berry	W. Frank Cole	V. D. Hammond
A. V. Bertram	Elkanah Dickey	A. B. Hatton
Thos. M. Bertram	Francis B. Douglas	James R. Howell
E. Bishop	G. L. Drury	R. Dillard Hunter
H. C. Blades	Ben F. Egleston	W. J. Jackson
Hiram Brown	J. H. Elder	Green R. Keller
Wallace Brown	John M. Farra	John G. Kelley
Wm. L. Bowling	S. Walton Forgy	W. E. King

M. C. Kirk	Luther C. Owings	Adam Spahn
William J. Kuh	A. W. Palmer	John G. Stoll
James A. Leach	W. F. Parker	C. B. Thompson
J. Albert Leach	John A. Polin	E. B. Thompson
F. A. Lochry	Stanley F. Reed	D. B. Thurman
Emanuel Meyer	Robt. H. Scott	Louis B. Tieman
Charles D. McCrea	W. A. Shawler	David W. Wiley
W. N. McCubbin	Walter S. Sinclair	B. S. Wilson
Ben E. Niles	W. Scott Smith	Charles Yancy

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 179. An act to amend Chapter 50 of the Acts of 1910, of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of the General Assembly for the Commonwealth of Kentucky, being Chapter 50, of the Acts of 1910, and approved March 21, 1910, entitled, "An act to amend an act entitled, 'An act for the government of cities of the second class in the Commonwealth of Kentucky,' which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article 3, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof, in 1909," be and the same is, hereby amended as follows:

§ 1. At all elections held under said act the ballots shall be on a different sheet from all other ballots to be used in any election and shall be in the form therein prescribed, except the words, "City Ballot" shall be at the head thereof, and the names of all candidates shall be printed on said ballot in a single colum. The names of the candidates shall be printed on the first fifty ballots as arranged in alphabetical order and on each of the succeeding fifty ballots the names shall be printed in the same order, except that the first name on the preceding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, which last name so shifted from the first place on said previous lot of fifty ballots shall be succeeded by the second name thereon at all times, and so on thereafter throughout, a like change or rotation being made in the printed order of names for every fifty ballots.

The provisions for the general election law of the State of Kentucky as to the duties of the county clerk and other public officers in the matter of printing and distributing ballots, of the issuing of them to the voters, of receiving and depositing them in ballot boxes and counting and preserving them, and in other particulars except as otherwise provided herein shall be applicable in all respects to the election of the municipal officers under the provisions of this act, provided that it shall be the duty of the sheriff of each county in which is a city of the second class operating under the provisions of this act, to provide for each precinct in said city a separate box for the reception of ballots used in the election of the municipal officers. And provided, further, that it shall be the duty of the officers of election in each precinct to issue the ballots herein provided for in the same manner as other ballots are issued at said elections, by writing the name and residence of the voter upon the primary stub and his register number upon the secondary stub of the city ballot, and by

observing as to these ballots such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for any election officer or other person within the election booth to tell or to indicate, by word of mouth or otherwise, to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor, punishable by a fine not exceeding two hundred dollars. At the opening of the polls at any election herein provided for, each judge shall appoint an inspector and challenger, whose duty it shall be to act as such in the precinct in which he is appointed and in so acting said inspector and challenger shall be governed by the provisions of the general election law with reference to inspectors and challengers.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who vote in the affirmative were—

William Ahl	Thos. M. Bertram	C. W. Burton
Robert H. Akin	E. Bishop	G. E. Carroll
Eugene G. Asher	H. C. Blades	George P. Chinn
Eli Berry	Wallace Brown	W. Frank Cole
A. V. Bertram	Wm. L. Bowling	Elkanah Dickey

G. L. Drury	W. J. Jackson	John A. Polin
Ben F. Egleston	Green R. Keller	Stanley F. Reed
J. H. Elder	John G. Kelley	Robt. H. Scott
Eli Farmer	W. E. King	W. A. Shawler
John M. Farra	M. C. Kirk	Walter S. Sinclair
S. Walton Forgy	William J. Kuh	W. Scott Smith
John F. Fryer	James A. Leach	Adam Spahn
Allie T. Gaines	J. Albert Leach	John G. Stoll
D. Clarence Gray	F. A. Lochry	C. B. Thompson
T. J. Gregory	Emanuel Meyer	E. B. Thompson
Joe Hall	S. F. Middleton	D. B. Thurman
Elwood Hamilton	R. C. McClure	Louis B. Tieman
V. D. Hammond	Charles D. McCrea	David W. Wiley
A. B. Hatton	W. N. McCubbin	B. S. Wilson
A. B. Holland	Ben E. Niles	Charles Yancy
James R. Howell	Luther C. Owings	—65
R. Dillard Hunter	A. W. Palmer	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. Res. 19. Resolution for the benefit of Mrs. Sallie M. Hickman, widow of G. W. Hickman, deceased.

Said resolution reads as follows, viz.:

Resolution for the benefit of Mrs. Sallie M. Hickman, widow of George W. Hickman, deceased.

Whereas, the Hon. George W. Hickman, Senator from the Eighth Senatorial District of the State of Kentucky, was elected in November, 1905, for a term of four year, ending January 1, 1910, and he discharged his duties as Senator at the regular and Special Sessions of the General Assembly in 1906, and his labor as Senator during those sessions brought on a fatal illness, from which he died, September

7th, he would have drawn his per diem and pay as Senator for the regular session of the General Assembly of 1908 and it is the sense of this General Assembly that his widow is entitled to same; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and is hereby authorized to draw his warrant on the Treasurer of the State, by the order of the Clerk of the Senate of Kentucky, in favor of Mrs. Sallie M. Hickman, widow of said George W. Hickman, deceased, for $457.10, of which $62.10 is mileage, $40.00 stationery, and $355.00 salary as Senator, the amount of money that would have been due said deceased, had he lived and attended the regular session of the General Assembly of 1908 during the time of its sitting, and the same is to be paid out of any money not otherwise appropriated.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who vote in the affirmative were—

William Ahl	Eli Berry	H. C. Blades
Robert H. Akin	A. V. Bertram	Hiram Brown
Eugene G. Asher	Thos. M. Bertram	Wallace Brown
J. M. Bean	E. Bishop	Wm. L. Bowling

C. W. Burton	A. B. Hatton	Luther C. Owings
G. E. Carroll	A. B. Holland	A. W. Palmer
George P. Chinn	James R. Howell	John A. Polin
W. Frank Cole	W. J. Jackson	Stanley F. Reed
Sidney J. Collins	John G. Kelley	Robt. H. Scott
Elkanah Dickey	W. E. King	Walter S. Sinclair
Francis B. Douglas	M. C. Kirk	Adam Spahn
G. L. Drury	William J. Kuh	A. H. Stamper
Ben F. Egleston	James A. Leach	John G. Stoll
J. H. Elder	J. Albert Leach	C. B. Thompson
John M. Farra	F. A. Lochry	E. B. Thompson
John F. Fryer	Emanuel Meyer	D. B. Thurman
Allie T. Gaines	S. F. Middleton	Louis B. Tieman
D. Clarence Gray	R. C. McClure	Yeaman Watkins
Joe Hall	Charles D. McCrea	B. S. Wilson
Elwood Hamilton	W. N. McCubbin	Charles Yancy
V. D. Hammond	Ben E. Niles	—62

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 229. An act to amend an act entitled An act providing for the manner of adding one additional judge tc circuit courts of continuous session in counties constituting separate judicial districts, having one judge, and establishing the division thereof, approved March 6, 1906.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any grantor in any deed of conveyance to any interest in real estate, to state any consideration in any deed of conveyance to any interest in real

estate other than the true consideration paid or agreed to be paid for such real estate.

Any grantor in any deed of conveyance to any interest in real estate violating the provisions of this act shall be fined not less than $50.00 nor more than $100.00 for each offense.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who vote in the affirmative were—

William Ahl	Ben F. Egleston	W. E. King
A. V. Bertram	J. H. Elder	M. C. Kirk
Thos. M. Bertram	John M. Farra	William J. Kuh
E. Bishop	S. Walton Forgy	James A. Leach
Hiram Brown	John F. Fryer	J. Albert Leach
Wallace Brown	Allie T. Gaines	F. A. Lochry
C. W. Burton	D. Clarence Gray	S. F. Middleton
G. E. Carroll	T. J. Gregory	R. C. McClure
George P. Chinn	Joe Hall	Charles D. McCrea
Sidney G. Clay	Elwood Hamilton	W. N. McCubbin
W. Frank Cole	A. B. Holland	Ben E. Niles
Elkanah Dickey	James R. Howell	Luther C. Owings
Francis B. Douglas	Green R. Keller	John A. Polin
G. L. Drury	John G. Kelley	W. A. Price

Stanley F. Reed	Adam Spahn	Louis B. Tieman
Robt. H. Scott	A. H. Stamper	Yeaman Watkins
Walter S. Sinclair	John G. Stoll	B. S. Wilson
W. Scott Smith	C. B. Thompson	Charles Yancy

—54

Those who voted in the negative were—

W. J. Jackson —1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 243. An act to authorize and to add one additional judge to the circuit court for the Seventeenth Circuit Court District, providing for the appointment and election thereof.

Said bill reads as follows, viz.:

Whereas, the population of the Seventeenth Circuit Court District now exceeds seventy-five thousand inhabitants, and, whereas, it is impossible for one judge to dispose of the business of said court with reasonable dispatch, and the number of cases upon the docket of said court is constantly increasing, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That one additional judge of the Circuit Court for the Seventeenth Circuit Court District is hereby authorized and added to said court.

§ 2. Such additional judge shall preside over the Criminal, Common Law and Equity Division of said court.

§ 3. Within sixty days after this act shall have become operative, the Governor shall appoint a person having the qualifications of a Circuit Judge to preside over the Criminal, Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of such division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until the first Monday in January, nineteen hundred and thirteen, and until his successor is elected and shall have qualified.

An election of such an additional judge shall be held at the regular election to be held on Tuesday next after the first Monday in November, nineteen hundred and twelve, and after qualifying, as provided by law, the judge so elected shall enter upon the duties of the office upon the first Monday in January, nineteen hundred and thirteen, and continue in office until the first Monday in January, nineteen hundred nad sixteen, and until his successor shall have been elected and qualified. The judge so elected shall be commissioned by the Governor as judge of the Criminal, Common Law and Equity Division of the Seventeenth Circuit Court District.

At the regular election to be held on the first Tuesday after the first Monday in November, nineteen hundred and fifteen, and every six years thereafter, such additional judge shall be elected, as other Circuit Court Judges are required to be elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

§ 4. Whereas, the dockets of the Seventeenth Circuit Court District are so overcrowded as to seriously delay the administration of justice in said court, an emergency exists, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	S. Walton Forgy	R. C. McClure
Robert H. Akin	John F. Fryer	Charles D. McCrea
J. M. Bean	Allie T. Gaines	Ben E. Niles
Eli Berry	D. Clarence Gray	Luther C. Owings
A. V. Bertram	T. J. Gregory	A. W. Palmer
Thos. M. Bertram	Joe Hall	John A. Polin
E. Bishop	Elwood Hamilton	W. A. Price
Hiram Brown	A. B. Hatton	Stanley F. Reed
Wallace Brown	A. B. Holland	S. H. Rogers
C. W. Burton	James R. Howell	Robt. H. Scott
G. E. Carroll	Green R. Keller	Adam Spahn
W. Frank Cole	John G. Kelley	A. H. Stamper
Elkanah Dickey	W. E. King	John G. Stoll
Francis B. Douglas	M. C. Kirk	C. B. Thompson
G. L. Drury	William J. Kuh	Louis B. Tieman
Ben F. Egleston	James A. Leach	B. S. Wilson
J. H. Elder	F. A. Lochry	Charles Yancy
Eli Farmer	Emanuel Meyer	—54
John M. Farra	S. F. Middleton	

Those who voted in the negative were—

W. J. Jackson Yeaman Watkins David W. Wiley —3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 322. An act to provide for the repair of the old Capitol and the buildings thereon and the use of same and appropriating money therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Sinking Fund Commissioners be and it is hereby authorized, empowered and directed to have the old Capitol Square and the buildings thereon repaired and furnished for the use of the various subordinate divisions of the State government and for such other purposes and uses of the State government as the said State Board of Sinking Fund Commissioners may from time to time deem necessary to the convenient and proper conduct of the State government.

§ 2. Said Board of Sinking Fund Commissioners is hereby authorized and empowered to remove from the new Capitol building any of the State commissions, libraries, boards, societies and subordinate branches of the State government that it may deem necessary, to the building on the old Capitol Square.

§ 3. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of fifteen thousand ($15,000) dollars to make the repairs herein provided for, and the further sum of two thousand ($2,000) dollars per annum for the running expenses of said building and grounds, said sums of money to be paid upon warrants drawn by the Auditor upon the treasurer.

§ 4. Because of the conditions of said grounds and buildings an emergency is declared to exist, and this act shall take ecect upon its passage and approval by the Governor.

Mr. Akin offered the following amendment to said bill:

Amend by striking out Section 2.

Said amendment was agreed to.

Mr. Carroll offered the following amendment to said bill:

Amend by striking out $2,000 in the 4th line of Section 3 and inserting in lieu thereof $1,200.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Eli Farmer	Charles D. McCrea
Robert H. Akin	John M. Farra	W. N. McCubbin
J. M. Bean	S. Walton Forgy	Ben E. Niles
Eli Berry	John F. Fryer	Luther C. Owings
A. V. Bertram	Allie T. Gaines	John A. Polin
Thos. M. Bertram	D. Clarence Gray	W. A. Price
E. Bishop	Joe Hall	Stanley F. Reed
H. C. Blades	Elwood Hamilton	Robt. H. Scott
John F. Brewer	V. D. Hammond	W. A. Shawler
Hiram Brown	A. B. Hatton	W. Scott Smith
Wallace Brown	A. B. Holland	Adam Spahn
C. W. Burton	Green R. Keller	John G. Stoll
G. E. Carroll	W. E. King	C. B. Thompson
Sidney G. Clay	M. C. Kirk	D. B. Thurman
Elkanah Dickey	William J. Kuh	Louis B. Tieman
Francis B. Douglas	James A. Leach	David W. Wiley
G. L. Drury	F. A. Lochry	B. S. Wilson
Ben F. Egleston	S. F. Middleton	Charles Yancy
J. H. Elder	R. C. McClure	—56

Those who voted in the negative were—

T. J. Gregory	W. J. Jackson	John G. Kelley

—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 166. An act relating to the drainage of land, the establishment and construction of public levees, ditches and drains and the straightening, widening, deepening or otherwise improving public levees, ditches, drains, creeks or nonnavigable streams prescribing the method of proceedure the

assessment and collection of the cost and expense thereof, creating and incorporating Boards of Drainage Commissioners and prescribing the means and providing for the payment of officers and employees having duties to perform hereunder.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Judge of any county in the Commonwealth of Kentucky shall have jurisdiction, power and authority to locate, establish and have constructed, all levees, ditches, drains or canals, and to have constructed, straightened, widened or deepened any ditch, drain, creek or nonnavigable water course, all for the purpose of draining or reclaiming low, swampy or overflowed lands in such county.

§ 2. Before the County Judge shall establish, widen, straighten, deepen or construct any such levee, ditch, drain, canal, creek or water course, there shall be filed with the county clerk of such county a petition, signed by one or more of the land owners whose lands will be liable to be affected by, or assessed for the construction of same. In such petition shall be set forth the body of land, or district of land in the county and adjoining county or counties, proposed to be ditched, drained or leveed, described in such a way as to convey a general idea as to the location of the land, and that the drainage or leveeing of same would result in public benefit or utility, or that the public health, convenience or welfare will be promoted by the draining, ditching or leveeing of same, or by changing or improving the levee, ditch, drain, canal, creek or water course, if already in existence, in

whole or in part, and also there shall be set forth, as far as practicable, the starting point, route, terminus and lateral branches, if any, of the proposed improvement. Before any action is taken on said petition, the petitioners, or some one or more of them, shall execute a bond, with two or more individual sureties, or with some lawful surety or bonding company, to be approved by the county clerk in either event, to the Commonwealth of Kentucky, for the use and benefit of any party in interest, and in a sum not to exced two hundred dollars per mile for each mile in length of the proposed improvement, conditioned for the payment of all costs and expenses incurred, in case the court should fail or refuse to grant the prayer of said petition. If at any time during the proceeding the court shall be satisfied the bond first executed is insufficient in amount, it may require the execution of additional bonds, and upon failure of the petitioners to execute same when required, the petition shall be dismissed. In said petition shall also be set forth the names of the owners of lands, so far as known to the petitioners, whose lands are likely to be affected by the improvement. When said petition and bond shall have been filed with the county clerk, the County Judge, whether at regular term time or not, shall thereupon appoint a competent civil and drainage engineer and two resident freeholders of the county, the two freeholders being persons not named in the petition as interested, and not related to any of the parties so named, who shall constitute the Board of Viewers, to examine the lands named in the petition, and to make a preliminary report. If the district proposed to be drained or leveed is located in more than one county, such petition may be filed in either county, and the County Judge of the county in which the petition is first filed shall have jurisdiction of the proceeding.

§ 3. Before entering upon the discharge of the duties of their positions, the Board of Viewers shall be sworn to faith-

fully and impartially perform their duties to the best of their ability. They shall then proceed to examine the lands in the territory or district, described in the petition, and any other land not so embraced, and which may be affected, or which may be necessary to locate properly such improvements as are petitioned for, along the route described in the petition, or any other route which in their opinion may be more feasable or practicable. They may make or have made such surveys as may be necessary to determine the boundaries and elevations of the several parts of the district, and shall make and file with the county clerk within thirty days from the date of their qualification, unless the time be extended by order of the County Judge entered upon the order book, a written report covering the following matters:

1st. Whether the proposed improvement is practicable, and the route the proper one.

2d. Whether it will benefit the public health, comfort or convenience, or any public highway, or be conducive to the general welfare of the community in which it is to be located.

3d. Whether the proposed improvement will benefit the lands sought to be benefited, or any of them.

4th. Whether or not all the lands that are benefited are included in the proposed drainage district.

If the Board of Viewers shall find the improvement impracticable, but the route named in the petition improper or impracticable, they may so state, showing therein the proper and practicable route. If they find any land mentioned in the petition as being benefited, which is not benefited or affected, they shall so state, giving the names of the owner or owners thereof. If they find any land benefited or reaffected

by the proposed improvement that is not mentioned or described in the petition, they shall so report, giving the name or names of the owner thereof. They shall verify the correctness of the statements of the petition relative to ownership of lands affected, and by their report correct any errors or mistakes, if any, there made. With this report there shall also be filed a map of the proposed district, showing the location of the proposed improvement, with all laterals, arms or branches, and the lands that will be affected thereby, together with such other information as they may deem necessary. Upon the filing of such preliminary report, the same shall be considered by the County Judge at the next regular term of the County Court, succeeding the filing of the report with the clerk. If the report shows that the proposed improvement is not practicable, or that it will not benefit the public health, or any public highway, or be conducive to the general welfare of the community, the petition shall be dismissed at the cost of the petitioners. If the viewers report that the improvement is practicable, and will benefit the public health or any highway, or will be conducive to the general welfare of the community affected, then the proceeding shall be continued, for process and for further orders.

§ 4. If the petition be not dismissed as provided in the preceding section, then the clerk will issue process against all land owners named in the petition and in the viewers' report, whose land or lands are shown to be affected by the proposed improvement, notifying them of such proceeding, and of the fact that their lands are affected, and to show cause why the same should not be assessed. Such orders or process may be issued against non-residents, infants and other persons under disability, as is provided by the Civil Code of Practice in actions against them in the Circuit Court. The action on the viewers' preliminary report shall stand for exceptions as to each and every party brought before the court, at the next

regular term of the County Court, after process shall have been executed for the length of time provided by the Civil Code for actions in the Circuit Court, and no exceptions shall be filed by any party properly before the court after such term, unless the time for filing same be extended by the court, which may be done for good cause shown, or unless the court shall be satisfied that due diligence has been exercised, and that in the interests of justice such exceptions should be thereafter filed, in which event, it may by order permit the filing of such exceptions at a later date. Provided, however, that in no event shall any exceptions be filed to the viewers' preliminary report by parties then before the court, after the entry of the order setting the proceeding down for trial on the exceptions. In the event exceptions shall be filed by any party in interest to the viewers' preliminary report, the proceeding shall be continued from time to time until all the parties are before the court as herein provided for, and at the first, or any other regular term of the court thereafter, the court shall by order entered, set the proceeding down for trial on the exceptions filed, for a day not earlier than ten days from the entry of the order, unless an earlier date is agreed to by the parties. The court shall try the exceptions unless a jury trial is demanded, in which event the trial shall be by jury composed of six resident freeholders of the county, possessing the necessary qualifications for jury service. If a trial is not had on the day set, it may be continued from time to time in the discretion of the court, and judgment shall be rendered by the court in accordance with the verdict of the jury, or the judgment of the court, as the case may be. Costs shall follow the judgment of the court as in other civil actions. All parties properly before the court shall be bound by the judgment of the court, whether they filed exceptions or not, and shall not thereafter be heard as to any question raised, or which could or might have been raised, by any party in interest up to that time, subject, however, to the right of appeal

as provided for in the next succeeding section. At this time the court shall render judgment only upon such issues as are actually raised by the exceptions.

§ 5. Any person, firm or corporation who has filed exceptions, or the petitioners, if they consider themselves aggrieved, may pray and shall be granted an appeal from the judgment of the county to the Circuit Court. Such appeal must be taken within ten days from the rendition of the judgment. The party or parties appealing shall file with the circuit clerk a certified copy of the judgment, and execute bond with at least two freehold sureties, or some lawful surety company, conditioned that he or they shall prosecute such appeal and pay all costs that may be adjudged against him or them in the Circuit Court. Unless such copy of the judgment is filed, and said bond executed before the circuit clerk within ten days from the rendition of the judgment by the County Court, the judgment of the County Court shall be final, and no appeal shall thereafter be taken. In the event such appeal is taken, the clerk of the County Court shall, on or before the first day of the next term of the Circuit Court, transmit all original papers to the clerk of the Circuit Court, and all orders of the County Court may be read in evidence by either side, without being copied. Said proceeding shall be docketed and tried in the Circuit Court, as other civil cases are tried, except that the issues shall be confined to those raised in the lower court, and no new issues not so raised shall be considered, and no summons need issue on the appeal. An appeal from the judgment of the Circuit Court, in same manner as other appeals are granted and taken, except, that the judgment of the Circuit Court shall be final unless the party or parties appealing within ten days after the judgment of the Circuit Court is rendered, or if a motion for a new trial is entered, within ten days after the said motion is acted on, shall execute, before the circuit clerk, a bond of the same kind and

character as that required on appeal from the County Court, and except further, that all right to appeal shall terminate, unless the same is taken and the record filed in the office of the clerk of the Court of Appeals, within thirty days from the rendition of the judgment, or if a motion for a new trial is filed, within thirty days from the entry of the judgment of the court thereon. When the judgment of the Circuit Court shall have become final, the Circuit Clerk shall return to the county clerk, all the original papers in the case, and shall file with him a certified copy of the judgment of the Circuit Court.

§ 6. If no exceptions are filed to the viewers' preliminary report, the same shall be confirmed by the court at the first term of the County Court which convenes after all the parties are before the court for the length of time herein provided. If such exceptions are filed and the fiual judgment rendered thereon shall necessitate any change in the viewers' report, the County Court, at the next or any regular term after such judgment on said exceptions becomes final, shall enter such orders as shall be necessary to carry into effect the judgment of the court as rendered, and shall by such orders make such changes or modifications in the viewers' report as may be necessary. If any land shown by the viewers' report to be affected is released, such lands shall be stricken from the district; if other lands not embraced by the viewers' report are found to be benefitted or affected, they shall be added to the district, and the owner or owners thereof brought before the court in the same manner as herein provided for. When the viewers' report is finally confirmed, or finally changed or modified as herein provided for, the County Court shall then establish the drainage or levee district, which hsall be designated by name or number, so as to distinguish it from any other district. After the district is established, the court shall refer the report of the viewers to the Board of Drainage Com-

missioners hereinafter provided for, for the purpose of having made a complete survey, plans and specifications for the drains or levees, or other improvement, all to be done as hereinafter provided, and their report shall be filed within thirty days thereafter.

§ 7. In all counties in this State where a public ditch, drain, levee or other improvement of a similar character shall have been established under pre-eisting laws, or may hereafter be established under this act, and subject to the provisions of Section —— hereof, it shall be the duty of the County Judge to appoint a "Board of Drainage Commissioners" of the county, who shall have charge and control of all such public ditches, drains, levees and similar improvements, in such county, except as herein otherwise provided. Each of the persons so appointed shall hold office for a term of four years, or until their successors are appointed and qualified, shall execute bond for the faithful performance of their duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of their position to the best of their ability. Vacancies on said board shall be filled by the County Judge. Immediately upon their appointment and qualification, said board shall become, and is hereby created, a body corporate under the name and style of the "Board of Drainage Commissioners of ———— County, Kentucky" (the blank to be filled by the name of the county), with the right to acquire, hold, encumber, sell and convey such real estate and personal property as shall be necessary to the conduct of its affairs, to sue and be sued, contract and be contracted with, and shall possess such other powers and rights as usually pertain to corporations, or as may be necessary for carrying on their work, under the provisions of this act; it shall have and use a corporate seal and may change same at pleasure. Said board shall elect from among its members a president and vice-president. They may also elect a secre-

tary, who may or may not be a member of the board, and fix his compensation, and if no such secretary is elected, the county clerk of the county shall act as such, and be ex-officio secretary thereof. The treasurer of the county shall be ex-officio treasurer of such board. Said Board of Drainage Commissioners shall meet as often as necessary for the proper discharge of the duties of their position, such meetings to be held at the courthouse in the county of their appointment. They shall keep complete records of their proceedings, which records shall be public records, of which the county clerk shall be custodian, and at all times open to the inspection of the public. Said Commissioners shall each be paid as full compensation for their services, not exceeding the sum of five dollars per day, while actually engaged in the performance of their duties, to be fixed by order of the County Court, as well as all traveling expense incurred in attending any meeting of the board, or in the performance of their duties under this act, to be paid out of the drainage funds herein provided for.

§ 8. Upon reference to it by the court of any proceeding to establish or construct any improvement under this act, the Board of Drainage Commissioners shall appoint or employ a competent drainage engineer, who shall be the chief engineer for the work, and who may or may not be the same engineer appointed on the Board of Viewers, and they may also prescribe the number of assistant engineers to be employed on the work, such assistants to be selected by the chief engineer. The chief engineer shall have control of the work until completed, unless sooner removed by the board, and may assign such portions thereof as he may deem fit to each assistant. He may by and with the consent of the board consult any eminent engineer or engineers, and obtain his or their opinion or advice concerning the drainage of said district. He shall have power to employ such assistants as may be necessary to make a complete topographical survey of the drainage district, and

shall enter upon the ground and make a survey of the main drain or drains and all its laterals. The line of each ditch, drain or levee shall be plainly and substantially marked on the ground. The course and distance of each ditch, and width of right of way, shall be carefully noted and sufficient notes made, so that it may be accurately plotted and mapped. A line of levels shall be run for the enitre work and sufficient data secured from which accurate profiles and plans may be made. Frequent bench marks shall be established along the line, on permanent objects, and their elevation recorded in the field books. If it is deemed expedient, other levels may be run to determine the fall from one part of the district to another. If an old water course, ditch or channel is being widened, deepened or straightened, it shall be accurately cross sectioned, so as to compute the amount of cubic yards saved by the use of such old channel. A drainage map of the district shall then be completed, showing the location of the ditch or ditches and other improvements and the boundary, as closely as same may be reasonably determined, of the lands owned by each individual land owner within the district. The location of any railroads or public highways and the boundary of any incorporated towns or villages within the district shall be shown on the map. There shall also be prepared to accompany this map a profile of each levee or water course, showing the surface of the ground, and the bottom or grade of the proposed improvement. If any private ditch is utilized, the saving by reason of such use shall be carefully computed and reported, with the name of the owner or owners thereof. Whenever the chief engineer shall make a survey for the purpose of locating a public levee or drainage district or changing a natural water course, and the same would cross the right of way of any railroad company, it shall be the duty of the Board of Drainage Commissioners to notify the railroad company, by serving written notice upon the local agent of such company or its lessee or receiver, that the chief engineer, or his

assistant, will meet the company at the place where the proposed ditch, drain or water course crosses the right of way of such company, said notice fixing the time of such meeting, which shall not be less than ten days after the service of same, for the purpose of conferring with said railroad company relative to the place where and the manner in which such improvement shall cross such right of way. When the time shall arrive fixed for such conference, unless for good cause more time is agreed upon, it shall be the duty of the engineer and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvement shall cross such right of way. If the engineer in charge and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the engineer, he shall determine the place and manner of crossing the right of way of said railroad company, and shall specify the number and size of openings, and so state in his report. Said engineer shall make an estimate of the cost of said work, and plans and specifications therefor, and file the same together with all maps, profiles, etc. with the county clerk, and the same shall be made a part of the record of said proceedings. All such maps, profiles, plans and specifications, together with the report of the engineer and all exhibits, filed therewith, shall be made in duplicate by the engineer—one to be marked original and the other duplicate. The original shall not be withdrawn from the custody of the clerk, but the duplicate may be withdrawn for use by the viewers, the Board of Drainage Commissioners, or for use on the work by the engineer or contractor, receipted for by the person or persons so withdrawing same, and returned in due time.

§ 9. When such report of the engineer is filed, the Board of Drainage Commissioners shall meet and receive and adopt the same, with such modifications, if any, as may be determined upon, and notify the County Judge of such action

by it. Within ten days thereafter, the County Judge shall enter an order referring said proceedings to the original viewers for the purpose of assessing damages, and making classification of the lands for the assessment of same, as hereinafter directed, and it shall be the duty of the county clerk to notify the viewers of such action by the County Judge, and set a day for them to meet at the county clerk's office of the county in which the proceeding is pending. Unless the time is extended the viewers shall file their report within sixty days from the time said order of re-reference was entered.

§ 10. The said viewers shall meet on the day named in the notice or as soon thereafter as practicable, and proceed with their work, for which purpose they will be furnished by the clerk with the duplicate plan of drainage adopted by the drainage commissioners. The viewers shall, as soon after their first meeting as possible, go over and inspect and examine the lands in said district, the railroad rights of way, road-beds, bridges, culverts, depot grounds, grades and all other railroad property in said district; and shall also inspect and examine all other improvements, highways and bridges belonging to any county or corporation and which may be affected by the proposed drainage, and shall also examine ditches, drains, ponds, lakes, creeks and water courses within the district, or which may be partly within and partly without said district. A majority of said viewers shall control and decide all questions. The viewers shall classify the land in the district with reference to the benefit it will receive from the construction of the levee, ditch, drain or other improvement. In the case of drainage, the degree of wetness of the lands, its proximinity to the ditch or a natural outlet and the fertility of the soil shall be considered in determining the amount of benefit it will receive by the construction of the ditch. The land benefit shall be separated in five

classes. The land receiving the highest benefit shall be marked "Class A;" that receiving the next highest shall be marked "Class B;" that receiving the next highest benefit, "Class C;" that receiving the next highest benefit, "Class D," and that receiving the smallest benefit, "Class E." The holding of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, through its boundary need not be separately marked on the ground or shown on the map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be obtained and presented in tabulated form. The scale of assessment to be made by the Board of Drainage Commissioners upon the several classes of land returned by the viewers shall be in the ratio of five, four, three, two and one; that is to say, as often as five mills per acre shall be assessed against the land in "Class A," four mills per acre shall be assessed against the land in "Class B," three mills per acre in "Class C," two mills per acre in 'Class D" and one mill per acre in "Class E." This shall form the basis of the assessment of benefits to the lands for drainage purposes. Provided, however, that if by reason of existing conditions in any district, the viewers shall believe that substantial injustice will be done any landowner or landowners by strict conformity to the five class rule above, the classification may be so changed by diminishing or increasing the number of classes, as to conform to such conditions, in which event such explanation shall be made by the viewers as will indicate the Board of Draniage Commissioners the ratio of assessment for such changed classification as compared with the classification herein provided for, and in calculating the assessment agaisnt any landowner, the said Drainage Commissioners shall follow the classifications so made. The viewers shall keep an accurate account and re-

port to the court the name and number of days each person was employed on the survey, and the kind of work done and any expenses that may have been incurred in going to and from the work, and the cost of any supplies or material that may have been used in making the survey. In case the work is delayed by high water, sickness or any other good cause, and the report is not completed at the time fixed by the court, the viewers shall appear before the court and state in writing the cause of such failure and ask for sufficient time in which to complete the work, and the court shall set another date by which the report shall be completed and filed. The viewers shall in no case change or modify the plan for drainage adopted as hereinbefore provided for. Said report shall contain a statement of the estimated cost of the works and improvements to be made in said district, and shall also contain a description of all the lands in said district, and the names of the owners thereof, and a general description of all the railroads, rights of way, roadbeds and depot grounds, and the names of the corporation or corporations to which they belong at the date of the decree of the court organizing said district.

§ 11. When any public ditch, drain or water course, established under the provisions of this act, crosses a public street or highway, the actual cost of constructing the same across the street or highway, or removing old bridges or building new ones shall be paid for from the fund of the drainage district. Whenever any street or highway within the levee or drainage district shall be beneficially affected by the construction of any improvement or improvements in such district, it shall be the duty of the viewers to assess and give in their report the amount of benefit to such street or highway, and process shall be issued against the county, city or incorporated town, owning or controlling same. Such county, city or town shall have the right to appear before the

court and file its exceptions the same as any landowner, and shall be liable for and shall pay the amount finally assessed against it, which may be recovered by suit in the name of the Board of Drainage Commissioners.

§ 12. The viewers shall also assess the benefits that will accrue to the right of way, road bed and other property of any railroad company by affording better drainage or a better outlet for drainage, but no benefits shall be assessed because of the increase in business that may come to said road because of the construction of the improvement. The benefits shall be assessed at a fixed sum, determined solely by the physical benefit that its property will receive by the construction of said improvement, and it shall be reported by the viewers as a special assessment, due personally from the railroad company as a special assessment; it may be collected in the manner of an ordinary debt in any court having jurisdiction. The county clerk shall issue process against such railroad company so assessed, and it shall have the same right to file exceptions, that is herein given to landowners, the proceeding as well as the right of appeal, to be the same as herein provided for, but any such appeal, if taken, shall not delay or defeat the construction of the improvement.

§ 13. After the contract is let and the actual construction is commenced, if the work is being done with a floating dredge, the superintendent in charge of construction shall notify the railroad company of the probable time at which the contract will be ready to enter upon the right of way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the superintendent of construction, and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other

obstructions as may be necessary to permit the dredge to excavate the channel across its right of way. The work shall be so planned and conducted as to interfere in the least possible manner with the business of said railroad. In case the railroad company refuses and fails to remove its track and allow the dredge to construct the work on its right of way it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of fifty dollars per day for each day of delay, to be collected by the Board of Drainage Commissioners for the benefit of the drainage district as in the case of other penalties. Such penalty may be collected in any court having jurisdiction and shall inure to the benefit of the drainage district. Within thirty days after the work is completed, an itemized bill for the actual expense incurred by the railroad company for opening its tracks shall be made and presented to the superintendent of construction of the drainage improvement. Such bill, however, shall not include the cost of putting in a new bridge or strengthening or enlarging an old one. The superintendent of construction shall audit this bill, and, if found correct, approve the same and file it with the secretary of the Board of Drainage Commissioners. The commissioners shall deduct from this bill the cost of the excavation done by the dredge on the right of way of said railroad company at the contract price, and pay the difference, if any, to the railroad company.

§ 14. It shall be the further duty of the board of viewers to assess the damages claimed by anyone that is justly right and due to them for land or property taken, injured or destroyed, because of the construction of the improvement, or for any other legal damages sustained, including the actual estimated amount saved on account of private ditches utilized. Such damage shall be considered separate and apart from any benefit the land would receive

because of the proposed work, and shall be paid by the Board of Drainage Commissioners when funds shall come into their hands. If any person or persons agree to waive damages, such agreement shall be reduced to writing, and filed by the viewers with their report.

§ 15. When the final report is completed and filed, it shall be examined by the court, and if it is found to be in due form and in accordance with the law, it shall be accepted, and if not in due form it may be referred back to the viewers, with instructions to secure further information, to be reported at a subsequent date to be fixed by the court. The chief engineer shall examine such report of the viewers, and may at this time recommend any changes in the plan of drainage, for final adoption by the Board of Drainage Commissioners, and when so adopted, they shall become a part of the plan. When the report is fully completed and accepted by the court, and any changes in the plan, if any, adopted by the drainage commissioners, a date not less than twenty days thereafter, shall be fixed by the court for the final hearing upon the report, and notice thereof shall be given by publication in one issue of a newspaper of general circulation in the county, if any, and by posting a written or printed notice on the door of the courthouse in each county in which lands affected are assessed, and at five conspicuous places throughout the district, such publication to be made for at least two weeks before the final hearing. During the time a copy of the report shall be on file in the office of the clerk of the County Court in which said proceeding is pending, and shall be open to the inspection of any landowner or person interested within the district.

§ 16. If it shall be necessary to acquire a right of way, or any outlet over or through lands not affected by the drainage, and the same cannot be acquired by purchase, then

and in that event the power of eminent domain is hereby conferred and the same may be condemned by the Board of Drainage Commissioners. Such owner or owners of land sought to be condemned shall be made parties to the proceeding, and the procedure for the condemnation of such lands shall be substantially as provided for the condemnation of rights of way for railroads, and such damages as may be awarded shall be paid by the Board of Drainage Commissioners of the county out of the first funds available, and before the land is taken, injured or destroyed, unless the party entitled thereto shall waive such payment in advance.

§ 17. All maps and profiles filed in the record may be made in duplicate, and in the event lands in other counties other than the one in which the proceeding is pending are affected, an additional copy shall be made to be filed with the County Clerk of such other county. The County Clerk of each county shall provide a suitable record book to be known as the "Drainage Record," in which he shall enter or copy every order, judgment or finding of the court or judge, as well as all reports, orders or finding of the board of viewers. When lands in other counties are affected or assessed, copies of all such records shall be made by the clerk, and they, together with the extra copy or copies of maps and profiles shall be certified by him to the county clerk of such other county or counties, where they shall be recorded in like manner.

§ 18. After the said drainage or levee district shall have been declared established, and the final report of the viewers as changed or modified by the court, approved or confined, the court shall refer the whole proceeding to the Board of Drainage Commissioners for further proceedings.

§ 19. At any time before the expiration of the time for filing exceptions to the viewers preliminary report, as pro-

vided in section 4 hereof, the landowners in the district whose lands are reported as likely to be affected, may file their separate or joint cross-petition in the said proceedings signed by them, their duly authorized agent or attorney, praying permission of the court to organize a separate drainage district and corporation, free from, and independent of, the Board of Drainage Commissioners of the county, upon which no process need issue. The case shall be set for hearing on such cross-petition for a day not earlier than ten days from the entry of the order, but the time of such hearing may be continued from time to time in the discretion of the court. The county judge shall examine such petition, and hear evidence thereof, if necessary to the proper determination of the question presented. If it shall appear that the names signed to said petition or petitions, own fifty per cent or more of the total number of acres of land in the district reported by the viewers as likely to be assessed, and constitute at the same time one-fourth or more of the total number of landowners named in preliminary report as likely to be affected, the prayer of such cross-petitioners shall be granted, and a separate drainage district and corporation established under the name and style of the "Board of Drainage Commissioners of District No. ———, ———— County, Kentucky." If it shall appear that such cross-petitioners own less than fifty per cent of the total number of acres of land to be benefited, or, if owning fifty per cent or more of the land, they constitute less than one-fourth of the landowners named, the cross-petition shall be dismissed. The hearing on such cross-petition shall be in a summary manner, and without the intervention of a jury in the County Court, but subject to the right of appeal to be taken within the same time, and in the same manner, as appeals from judgments on the viewers report.

§ 20. Within ten days after the judgment or order of the court establishing a separate drainage corporation becomes final, or as soon thereafter as practicable, the county judge shall by order, and with the advice and assistance of the engineer, divide the district into three precincts, as near equal in area of lands reported as benefited, as is practicable, and shall call a meeting of the landowners affected, to be had at some public place in the county in which the proceeding is pending, and shall fix the day and the hour of the day for such meeting, all to be shown in the order. The date for such meeting shall be not less than twenty days from the entry of the order calling the same, and at least fifteen days prior to the date set, the county clerk shall give notice of such meeting in the manner hereinafter provided. The landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; and at such election each and every acre of land, as near as may be arrived at by estimate, or from the evidence heard before the county judge on the cross-petition, shall represent one share, and each owner shall be entitled to one vote for every acre of land estimated to be owned by him in such district at such election the name of at least one person shall be put in nomination for the office of commissioner from each of the three precincts as theretofore defined by the county judge as hereinabove provided; and the one person from each of the three different precincts receiving the highest number of votes shall be declared elected as commissioner; and they shall immediately by lot determine the terms of their office; which shall be respectively, one, two and three years, and shall serve until their successors are elected and qualified. Every year after the election of the first board of commissioners, at such time and place in said district as the board of commissioners may designate, and upon not less than fifteen days' notice, as herein provided, the owners of the lands in such district shall meet and elect one commissioner in like manner as in the pre-

ceding section, who shall be an owner of land in the same precinct as that in which the commissioner whose term is about to expire owns land, and shall hold office for three years, and until his successor is elected and qualified; and in case of a vacancy in any office of commissioner, the remaining commissioners may fill such vacancy with some person having such precinct qualification, until the next annual election, when a successor shall be elected for the unexpired term, also having such qualification; the notice required by this section shall be given by publication in one issue of some newspaper published at the county seat of the county in which such district was organized, if any, and by posting not less than five written or printed posters in different public places in the district. A commissioner whose term is expiring, shall be eligible for re-election.

§ 21. The persons elected on the district board of drainage commissioners shall qualify and organize in the same manner as herein provided for the qualification and organiation of the county boards, and shall thereupon be and become a body corporate under the name and style above given, with like powers, duties and responsibilities, within their respective districts, as is herein conferred upon the county boards of drainage commissioners and with full jurisdiction and control over the work provided for and established under the proceeding in which their election was provided for, or connected therewith. Such district boards, organized as herein set forth, shall be and continue in existence only so long as shall be necessary to complete the work in said proceeding provided for, and to pay off all bonds, if any, as shall have been issued. When said work is completed and paid for, and the bonds issued by the district shall have been fully paid off and satisfied, then the public levee, ditch or drain of said district, established and constructed by said district board, shall be turned over to the County Board of Drain-

age Commissioners, and said district board shall then cease to exist, the district to continue by the same name or number under the jurisdiction and control of the county board; Provided, however, that until all bonds issued by the district board are paid off, as herein provided for, and the work turned over to the county board, the District Board of Drainange Commissioners shall have the same authority to levy the maintenance assessments to keep the same in repair, that the county board could levy, and to do any other act or thing in connection with the district that the county board could do.

§ 22. The decree and order of the count by which any drainage district shall be organized under this act may be amended at any time by correcting the name of the landowners, by adding or omitting any such names, and by adding, or omitting or correcting the descriptions of any lands within the district, or alleged to be within the boundary thereof, or by amending the decree of incorporation in any manner which may be necessary to better carry out and fulfill the object and design of the drainage district; and when any such amendments are desired, the Board of Commissioners shall present a supplemental petition to the court having jurisdiction, in which petition shall be set forth the amendments desired, with the name of the owner and a description of the lands affected by the proposed amendment, or correction, and if the owner of said lands be not a party to the original proceeding, he shall be brought before the court in the same manner, and with the same rights to have all questions adjudicated and determined, as original parties to the proceeding.

§ 23. And drainage district, organized under the provisions of this act, may be enlarged and the boundaries extended so as to include other lands contiguous thereto, in the

following manner; the Board of Drainage Commissioners may present a petition of the corporation to the County Court organizing said district, asking that the boundaries of the district be extended and such outlying lands included in and made a part of the district, particularly describing such lands and giving the names of the owners thereof. When such petition is filed, the owners of the lands to be so included in such district shall be brought before the court in the same manner as original parties to the proceeding, and with like right to such owners to protest against such proposed action, or file exceptions therto. If no objections are made to the petition, the court shall order the lands included, and the boundaries enlarged or extended as prayed; but if objections are made therto, the court shall hear such objections, and shall order all or any part of such lands included as it may appear just, and the boundaries shall be ordered changed accordingly, and the lands so included shall be subject to all dues, assessments and liabilities, and entitled to all the benefits and privileges of said district the same as the lands originally incorporated. The owner or owners of any lands contiguous to any such district may by petition to the court and with the consent of the Board of Commissioners have their lands annexed to such district on such terms as the court may deem just; but after such lands are so annexed they shall be part of the district in all respects the same as the other lands in such districts.

§ 24. Nothing in this act shall be so construed as to deprive the Fiscal Court, or other governing authority of any county, of its jurisdiction and control over any levee, ditch or drain, established or constructed, or which may be established or constructed, by authority of such Fiscal Court or governing authority of such county, payment for which was made, or shall be made, by general taxation, or out of the public revenue of the county, and all such public levees, ditches or

drains, so established and constructed shall be and remain under the jurisdiction and control of such governing authority of the county: Provided, however, that any such drain so established and constructed may be utilized as an outlet for any ditch, or drain which may be established hereunder; and provided, further, that the governing authority of such county may, in its discretion, delegate to the Board of Drainage Commissioners jurisdiction and control over such levee, ditch or drain, so established by it, upon such terms and conditions as may be agreed upon between them, such agreement to be reduced to writing, approved by the Fiscal Court, or other governing body of the county, and the Board of Drainage Commissioners, and recorded upon the minutes of the proceedings of both bodies. The Fiscal Court, or other governing authority of the county shall have the right, when in its judgment the public interests and welfare justify it, to make appropriations for the purpose of aiding any drainage district, in constructing or keeping in repair any improvement provided for herein, or under the control of the drainage commissioners.

§ 25. The Board of Drainage Commissioners may appoint a competent person as superintendent of drainage, who shall be subject to the orders of the board, and who shall look after and keep clean, open and in good condition all public ditches, drains, creeks, levees and other improvements, established under this or any pre-existing law, or under the charge of said board. Such person shall furnish bond to be approved by the board, in such penal sum as the board shall prescribe, conditioned upon the honest and faithful performance of his duties, the same to be in favor of the Board of Drainage Commissioners, and for the benefit of any party in interest. If no superintendent is appointed, the work herein provided for may be done by the chief engineer, or such other employees of the drainage commissioners as it

may order or direct. In these counties in which a commissioner of ditches has been appointed under the act of March 27th, 1908, such commissioner shall be and perform the duties of the superintendent of drainage, herein provided for, until the expiration of his present term of office. Such superintendent of ditches, with the approval and consent of the Board of Drainage Commissioners, may employ such labor and assistance in the performance of his duties, as may be necessary. All expense incurred shall be reported by such superintedent, or other employee, to the Board of Drainage Commissioners, in which report shall be shown the ditch, drain or other improvement upon which said work was done, or expense incurred.

§ 26. Upon final reference to it by the court, of any drainage proceeding under this act, the said board shall cause notice in some newspaper published in the county wherein such improvement is located, if such there be, and such publication elsewhere as they may deem expedient, of the time and place of letting the work of construction of said improvement and in such notice they shall specify the approximate amount of work to be done and the time fixed for the completion thereof; and on the date appointed for the letting, they, together with the chief engineer, shall convene and let to the lowest responsible bidder, either as a whole or in sections, as they may deem most advantageous for the district, the proposed work. No bid shall be entertained that exceeds the estimated cost, except for good and satisfactory reasons it shall be shown that the original estimate was erroneous. They shall have the right to reject all bids and advertise again the work, if in their judgment the interest of the district will be subserved by doing so. The successful bidder shall be required to enter into a contract with the Board of Drainage Commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties

in favor of the Board of Drainage Commissioners for the use and benefit of the levee or drainage district, in an amount equal to fifty per cent of the estimated cost of the work awarded to him.

§ 27. The chief engineer in charge of construction shall make monthly estimates of the amount of work done, and furnish one copy to the contractor, and filed the other with the secretary of the Board of Drainage Commissioners, and said board shall, within five days after the filing of such estimate, meet, and, if they approve the estimate, shall direct the secretary to draw a warrant in favor of such contractor for eighty per centum of the work done, according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary to the treasuer of the drainage fund, he shall pay the amount due theron out of any funds in his hands, to the credit of that district. When the work is fully completed and accepted by the superintendent, he shall make an estimate for the whole amount due, including the amounts withheld on the previous monthly estimates, which shall be paid from the drainage fund as before provided.

§ 28. If any contracor to whom the whole or any portion of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Board of Drainage Commissioners against such contractor, and his bond in any court of competent jurisdiction, for damages sustained by the levee or drainage district, and recovery had against such contractor and his sureties. In such event the work may be advertised and relet in the same manner as the original letting.

§ 29. In the construction of the work the contractor shall have the right to enter upon the lands necessary for this pur-

pose and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right of way of the improvement is through timber, the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins, and in case it is not removed by the landowner, it shall become the property of the contractor and may be removed by him. All logs, stumps or other similar obstructions shall be cleared off the right of way for its full width by the contractor.

§ 30. The owner of any land that has been assessed for the cost of the construction of any ditch, drain or water course, as herein provided, shall have the right to use the ditch, drain or water course as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain or water course by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file his ancillary petition in such pending proceeding to the court, and have the same condemned in the same manner as now or as may hereafter be provided for the condemnation of right of way by railroads. When the ditch is constructed, it shall become a part of the drainage system and shall be under the control of the Board of Drainage Commissioners and be kept in repair by them as herein provided.

§ 31. After the classification of the land and the ratio of assessment of the different classes to be made thereon has been confirmed by the court, the Drainage Commissioners shall prepare an assessment roll or drainage tax duplicate, giving a description of all the land in said drainage district, the name of the owner, so far as can be ascertained from the public records, and the amount of assessment against each of the several tracts of land. In preparing this

assessment roll, the board shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and private ditches, the costs of the proceeding and all wages paid or to be paid, including that of the board and its employees and deduct therefrom any special assessment made against any railroad or highway, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefit received, as shown by the classification and ratio of assessment made by the viewers and confirmed by the court. This drainage tax roll shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the drainage record and the other delivered to the county treasurer, and said assessment shall be a first and paramount lien against the lands assessed, subject only to the lien for State and county taxes. If lands in any other county are assessed, a copy thereof, so far as relates to lands in such other county, shall be filed with the county clerk of such other county or counties.

§ 32. If the total assessment against the land shall be less than an average of twenty-five cents per acre, the assessment made against the several tracs shall be collected in one installment. In such case, after said drainage tax roll shall have been made out, and one copy delivered to the county treasuer, as above provided, notice thereof shall be given by publication in one issue of some newspaper of general circulation in the county, if any, and by posting one notice at the courthouse door in each county in which lands assessed are located, and at any time within thirty days thereafter, any landowner may pay the assessment against his land to the treasurer, who shall enter proper credit on said assessment roll. At the end of said thirty days the Board of Draniage Commissioners shall recover said drainage tax roll from the treasurer, and deliver the same to the sheriff, or other col-

lecting officer, accompanied with an order to collect the unpaid assessments shown thereon, and the sheriff or other collecting officer shall proceed to collect the same. If lands in any other county are assessed, a copy of such drainage tax roll, in so far as it relates to lands in such other county, shall be certified to the sheriff or other collecting officer of such other county. Said drainage tax roll, when so placed in the hands of the sheriff or other collecting officer shall have the same effect as a tax against the lands assessed, and shall be collected in the same manner, as State and county taxes except that in each instance the collecting officer shall add to the assessment shown the amount of his commission. If not paid by the first day of December following the date of such certification or order to collect, a penalty of six per cent shall be added and collected, and the sheriff or collecting officer shall proceed in all respects as provided by law for the collection of State and county revenue. In the case the total assessment exceeds the average of twenty-five cents per acre on all the lands assessed in the district, the said Board of Drainage Commissioners may give notice by publication in one issue of some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse, in counties where lands assessed are located, and at five conspicuous places in the drainage district, that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the county treasurer the full amount of his assessment and have his land released therefrom. Upon the production of such treasurer's receipt showing such payment, it shall be the duty of the county clerk or the secretary of the board, either one, to endorse such release upon the assessment roll, and re-

port all such releases made by him to the Board of Drainage Commissioners, which report shall be recorded on the record or minutes of such board. When the board shall be satisfied that any such assessment has been paid, either from such receipt, or otherwise, it may order such release made in like manner.

§ 33. Each and every person owning land in the district, which is assessed for the construction of an improvement, who shall neglect or fail to pay the full amount of his assessment to the county treasuer within the time specified, shall be deemed as consenting to the issuing of said drainage bonds, and in consideration of the right to pay his assessment in installments, he thereby waives his right to any defense against the collection of said assessment because of any irregularity, illegality or defect in the proceedings prior to this time, except in the case of an appeal, as heretofore provided, which is not affected by this waiver. The term "person" as used in this act includes any firm, company or corporation.

§ 34. At the expiration of the thirty days after the publication the Board of Drainage Commissioners may issue bonds for the full amount of the assessment not paid in to the county treasurer, together with the interest thereon, costs of collection or other incidental expenses. These bonds shall bear six per cent interest per annum, payable annually, and shall be paid in ten equal annual installments. The first installment of the principal shall mature at the expiration of two years from the date of issue, and one installment each succeeding year for nine additional years. The commissioners may sell these bonds at not less than par and devote the proceeds to the payment of the work as it progresses. The bonds issued shall be for the exclusive use of the levee or drainage district specified on their face, and should be numbered by the Board of Drainage Commissioners and

registered in the drainage record, which record shall set out specifically the lands and the names of the owners thereof embraced in the district and covered by such bonds, on which the tax has not been paid in full, and which is assessed for the payment of the bonds issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon the lands assessed for payment of said bonds and the interest thereon as they become due. The installment due from each tract of land, assessed for the payment of such bonds, shall be paid by the owner or owners thereof, to the treasurer, at least five days before the installment on the bonds are due. The Board of Drainage Commissioners shall meet on or before the day such installment is due, and order warrants drawn for the payment thereof and the interest thereon. At this meeting thereafter held, the said board shall ascertain what assessments, if any, have not been paid, certify the same to the sheriff, or other collecting officer for collection, and the sheriff or other collecting officer shall forthwith proceed to collect the same, together with his commission thereon and interest at the rate of six per centum per annum, in the same manner as in the collection of State and county taxes. If not paid by the first of December following such certification, a penalty of six per cent shall be added and collected, and the sheriff shall proceed thereon in all respects as provided by law for the collection of State and county revenue. If any installment of principal or interest represented by the said bonds shall not be paid at the time and in the manner, when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against the Borad of Drainage Commissioners, wherein the court may issue a writ of mandamus against said Drainage Commissioners and its officers, including the tax collector and treasurer, directing the levying

of a tax or special assessment as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installments of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bonds upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bonds of the sheriff or other collecting officer and county treasurer shall be liable for the faithful performance of the duties herein assigned them.

§ 35. Where the court has confirmed an assessment for the construction of any public levee, ditch or drain, and such assesssment has been modified by a court of superior jurisdiction, but for some unforeseen cause it cannot be collected, the Board of Drainage Commissioners shall have power to change or modify the assessment as originally confirmed to conform to the judgment of the court and to cover any deficit that may have been caused by the order of said court or unforeseen occurrence. The said relevy shall be made for the additional sum required, in the same ratio on the lands benefited as the original assessment was made.

§ 36. The fees of officers for services rendered under this act shall be the same as fees now allowed by law for similar services in other cases. Such fees shall be taxed as part of the costs. There shall also be allowed by the court and taxed as costs reasonable fees to the attorneys for the petitioners in the proceeding to establish such improvement. All of said costs shall be paid on the order of the court out of the drainage fund. The compensation allowed for services of the engineers, viewers and other labor, whether profes-

sional or otherwise, unless paid out of funds deposited by the petitioners, shall likewise be paid on the order of the court out of the drainage fund, and if such expenses, or any part of same shall have been paid by the petitioners, or deposits for that purpose shall have been made by them, any amount so paid or deposited shall be refunded to them, without interest out of said drainage fund. All of such costs and expenses shall be paid by the petitioners, in the event said improvement is not established, for which they shall be liable on their bond, to any person to whom the same is due. If any person who shall have performed labor in connection with the improvement up to the time of final reference to the Drainage Commissioners, including the engineers and viewers, shall desire the payment of the amount due up to that time, he or they may make known their desire to the County Judge, who shall thereupon notify the petitioners of such fact in writing, giving the amount necessary to pay such amounts so demanded and call upon the petitioners to deposit with the county treasurer a sufficient amount to pay the same. Such notice may be given to the petitioners, or to their attorney of record in said preceeding. It shall then be the duty of the petitioners to deposit said amount within thirty days from the date of receiving such notice, and upon their failure to pay the same within that time, the proceeding may be dismissed at the cost of the petitioners. The treasurer shall pay out the money deposited, upon order or warrant of the Board of Drainage Commissioners, if then appointed, and if not, on order of the County Judge. The compensation to be paid the engineer constituting one of the viewers shall be fixed by the court at or before the time of his appointment, by order entered of record. The other viewers shall receive for their services the sum of four dollars per day for the time actually engaged in performing their duties; rodman, chain carriers and other laborers employed in the work shall receive not exceeding two dollars per day for their services.

Fees or compensation for any service not herein otherwise fixed or provided for shall be fixed by the court or judge, or if employed by the Drainage Commissioners, the same shall be fixed by them. The treasurer shall only pay out money on warrants drawn by the board, signed by its president and countersigned by its secretary, except as herein otherwise provided.

§ 37. The power of appointment under the provisions of this act shall carry with it the power of removal at any time in the discretion of the appointing authority, or his or their successors in office.

§ 38. The Board of Drainage Commissioners shall keep, or cause to be kept, a true and correct account, as far as the same is practicable, of the time spent by them, by the engineer, superintendent and all other employees, and of each item of expense incurred, upon or in connection with any district, or system of drainge, and charge the same to the district or system for which the same was done. Where the time or work is upon more than one district at the same time, it shall be apportioned between them. In the event any compensation fixed by the board for superintendent, secretary or other employee is on a salary basis, such salary shall be apportioned by the board in such manner as shall seem to them equitable, and charged to and paid out of the funds to the credit of the several districts or systems of improvement under their charge.

§ 39. Except as herein otherwise provided, all improvements established or constructed under the provisions of this act, as well as all public ditches, or drains established or constructed under pre-existing laws, shall be under the control and supervision of the Board of Drainage Commissioners of the county having jurisdiction of the proceeding. It shall be

the duty of the said board to keep all such levees, ditches, drains or like public improvements under its charge, open, free from obstructions and in good repair. For the purpose of providing funds to pay the compensation herein provided to the Board of Drainage Commissioners, it agents, servants and employees, outside of that portion of same which shall be provided for and paid out of the original assessment on any drainage district, as well as to pay the cost and expense of repairing, keeping open and looking after the various public ditches, drains and like improvements under the charge of said board, the lands in each drainage district, which may be established under this act, as well as the lands assessed for each public ditch or system of drainage established under pre-existing laws, shall be and the same are hereby authorized to be assessed, in proportion to the original assessment made, or which may be made against them for the original establishment and construction of such system of drainage. Provided, however, that no assessment for such purpose in any one year shall exceed ten per centum of the original assessment against such lands. The proportion of assessment against the lands originally assessed in each district or system of drainage shall be estimated and made by the Board of Drainage Commissioners, and upon this assessment, so made, said board shall make out the tax roll in duplicate, in the same manner as provided in Section 29 hereof for original assessments hereunder, and the same shall have the same effect, and be collected in the same manner. All amounts collected by the sheriff, or other collecting officer, shall be kept separate and deposited by him with the treasurer, who shall keep the accounts for each district or system separate, and all warrants drawn shall specify the account out of which it shall be paid, and to which it shall be charged.

§ 40. Whenever any public ditch, or drain. established and constructed under this act, or any pre-existing act, empties into a natural drain, creek or non-navigable water

course, such natural drain, creek or non-navigable water course from the mouth of such public ditch or drain to the mouth of such natural drain, creek or non-navigable water course shall be and is hereby declared to be to all intents and purposes, a public ditch, and subject in the same manner as other public ditches to the supervision and control of the Board of Drainage Commissioners of the county. Provided, however, that if such natural drain, creek or non-navigable water course below the mouth of such regularly established public ditch extends into any other county or counties, the supervision and control of the board of the county in which such public ditch is located, shall not extend into such other county, beyond the mouth of any regularly established public ditch in that county, as now established, or as the same may be hereafter established.

§ 41. Whenever any obstructions exist in any natural drain, creek or non-navigable stream, constituting an outlet for any public ditch, as provided in the preceding section, and the removal of such obstruction shall be necessary, in the opinion of the Board of Drainage Commissioners, for the successful operation of such public ditch or drain, the board may have such obstructions removed, paying the cost thereof out of funds collected from any district, ditch or drain, for which it is an outlet, and if there is more than one, then the expense shall be pro-rated between them, in such manner as said board shall deem just and equitable. If any repairs, to any improvement established or constructed under this act, or to any ditch, natural drain, creek or non-navigable stream placed under the charge and control of the Board of Drainage Commissioners by the terms of this act, shall become necessary by reason of the act or negligence of any landowner through which it exists, his servants or agents, or if the same shall be made necessary by any stock of said landowner, his servants or agents, then such repairs as shall be necessary

to restore it to its previous condition shall be made by such owner at his own expense. It shall be the duty of the superintendent of drainage, or other person acting as such to notify such owners of such obstructions, and in the event such owners shall fail to remove the same within thirty days thereafter, the said superintendent shall have the same removed, paying the cost of same out of funds collected from any district, ditch or drain for which it is an outlet, and if there is more than one, then the expense shall be pro-rated between them. All amounts so paid, with interest at the rate of six per centum, shall be charged to the landowner in fault, and may be recovered by the Board of Drainage Commissioners in any court of competent jurisdiction, and the same shall constitute a lien upon the land of such owner or owners, which may be enforced as other liens are enforced. When such amounts are recovered, if recovered, the same shall be returned to the fund or funds from which it was paid.

§ 42. Any person who shall acquire title, by purchase, devise, inheritance or otherwise, to any land affected by any proceeding under this act, after the preliminary report of the viewers is filed as herein provided for shall be deemed privy to the person owning or in possession under claim of ownership at the time of filing such preliminary report, and shall be bound to the same extent as such owner at that time would be bound, if he had remained the owner. The land assessed shall in each instance be liable for the assessment against it, and each assessment and each installment of any assessment shall be paid by the owner in possession at the time such assessment or any installment thereof becomes due, but as between vendor and purchaser, and in the absence of any agreement to the contrary, the owner, in possession at the time such assessments are certified by the Board of Drainage Commissioners to the treasurer, sheriff or other collecting officer for collection, shall be liable for the tax. Any land assessed

for benefits under this act, in which one or more persons own the life estate, with the remainder to some other person or persons, shall be assessed and classified as any other land by the viewers, and the name or names of both the life tenants and remaindermen reported, if known, and both brought before the court on process as herein provided. The tax shall be assessed against each such tract of land and may be paid by either the life tenant or the remainderman, and when so paid, the owner or owners for life or in remainder, as the case may be, shall be liable to the one so paying the assessment for such proportion of the amount paid, as his interest in the property bears to the total property assessed, according to the life tables at the time in use in this State, to secure which the person so paying the same shall have, for his own benefit, the same lien that is herein provided for the original tax, which may be enforced by action in any court of competent jurisdiction. In like manner an owner of any undivided interest in lands assessed may pay the whole assessment and be entitled to like contribution and substitution.

§ 43. If any repairs to any improvement established or constructed under this act, or under the charge and control of the Board of Drainage Commissioners, shall become necessary by reason of the act or negligence of any landowners through which such improvement is constructed, his servants or agents, or if the same shall be made necessary by any stock of said owner, his servant or agent, then such repairs as shall be necessary to restore it to its previous condition shall be made by such owner at his own expense, and upon his failure to make such repairs within thirty days after being notified by the superintendent of drainage, he shall be deemed guilty of a misdemeanor. It shall be unlawful for any person to injure, damage or in any way obstruct any waterway or improvement established or constructed under this act, or placed under the control of the Board of Drainage Commissioners

under the provisions hereof, or to place any flood gate therein, or bridge or fence across same, unless the privilege or right so to do shall first be obtained from the Board of Drainage Commissioners, by order entered upon its record, in which shall be specified the kind and character of such flood gate, bridge or fence, and the same shall be erected in accordance with the said order, but not otherwise. Any person guilty of a violation of the provisions of this section of this act, shall upon conviction be fined not less than ten nor more than one hundred dollars. It shall be the duty of the superintendent of drainage to see that the provisions of this section are enforced.

§ 44. The provisions of this act shall not affect any proceeding now pending, to establish and have constructed any ditch, drain or water way; or to have constructed, straightened, widened or deepened any ditch, drain, creek or water way now existing. Provided, however, that in any proceeding for the above purposes now pending in which no order of the court establishing the improvement prayed for has been entered, an amended petition may be filed by the petitioners, asking that said cause proceed under the provisions of this act, and the court shall, thereupon, order the viewers to make their report in conformity to the requirements of this act and all proceedings thereafter had shall be under the provisions of this act. And, provided further, if the report of the viewers appointed by the court in any proceeding now pending for the above named purposes has been filed, but the parties whose lands are affected by and assessed for the improvement sought have not been duly summoned, the court may upon the motion of the petitioners order said report resubmitted to the viewers, shall in thirty days thereafter file an additional or amended report to conform to the requirements of this act, and thereafter said proceeding shall continue and be presented under the provisions hereof.

§ 45. The aforesaid assessment roll, or tax book of the district as made up by the Board of Drainage Commissioners shall be prima facie evidence in all courts that all steps necessary to be taken hereunder have been duly and properly taken, and that all proceedings are regular and valid. The liens established and declared in the preceding sections may be enforced by an action in the Circuit Court without regard to the amount of the claim, at any time after December first of the year for which said taxes were levied, at which last named date all unpaid drainage taxes shall become delinquent. The suit shall be brought by the Board of Drainage Commissioners against the land or lands, property or properties, on which such drainage tax has not been paid. The suit shall be brought in the county in which the property is situate, except when the tract or property sued upon be in more than one county, in which event the suit may be brought on the whole tract, parcel or property, in any county in which any portion thereof may be situate. The pleadings, process, proceedings, practice and sales, in cases arising under this section shall, except as herein provided, be the same as in actions for the enforcement of other liens, but the right to institute such actions shall in no wise prevent sales by the sheriff or collecting officer, as in cases of delinquent State and county revenue. The title through any sale of lands under this act shall be subject to the lien of all subsequent annual installments of drainage tax. In all suits for the collection of delinquent taxes, the judgment for said delinquent taxes and penalty shall also include all costs of suit and a reasonable attorney's fee to be taxed by the court, recoverable the same as the delinquent tax and in the same suit. The proceeds of sales made under and by virtue of this section shall be covered into the treasury of the district, and shall be accounted for by the treasurer the same as the drainage tax.

§ 46. The Board of Drainage Commissioners may employ an attorney to advise said board. Such employment

shall be evidenced by an agreement in writing, which, as far as possible, shall specify the exact amount to be paid to said attorney for all services and expenses. Such attorney shall conduct all legal proceedings and suits in court where the corporation is a party or interested, and shall in all legal matters advise the said Board of Drainage Commissioners, all officers, employees, or agents of said district and board, and generally look after and attend to all matters of a legal nature for said board and district. Where no attorney is employed, such legal services shall be performed by the county attorney.

§ 47. If any warrants issued by the Board of Drainage Commissioners are presented for payment to the treasurer, and are not paid for want of funds in the treasury, that fact shall be endorsed on the back of such warrant or warrants and said warrant thereafter shall draw interest at the rate of six per cent until such time as there is money on hand sufficent to pay the amount of said warrant, and the interest then accumulated.

§ 48. The treasurer of the county in which the drainage district is established shall be ex-officio treasurer of said drainage district, and the treasurers of the counties other than that in which the proceeding is or may have been pending shall pay over to him, any funds collected and paid over to them for the benefit of said drainage district, and shall take the receipt of said treasurer therefor, in duplicate, the original of which the treasurer paying the money shall keep for his own protection, and the duplicate shall be filed in the office of the clerk of the County Court of the county of which the person receiving said money shall be treasurer. It shall be the duty of the treasurer who is the ex-officio treasurer of any drainage district, to pay any money in his hands, collected as aforesaid, upon warrants signed by the president

and attested by the secretary of the Board of Drainage Commissioners of the district, when the same shall be presented for payment. In all cases where a county treasurer shall become treasurer of a drainage district, he shall be liable upon his general bond as county treasurer to the extent of any funds of such district entrusted to him; but he shall give a supplementary bond in such an additional sum as the Board of Drainage Commissioners may require. As compensation for his services, the treasurer shall receive such amount as may be fixed by the Board of Drainage Commissioners. Provided, however, that such compensation shall in no fiscal year exceed the sum of one thousand dollars. The act of February 27, 1893, relative to the office of county treasurer, and comprising Sections 928 and 938, both inclusive, of the Kentucky Statutes, defining the office, duties and compensation of the county treasurer, is hereby amended to the extent herein provided for.

§ 49. The provisions of this act shall be liberally construed so as to carry into effect the true intent and meaning thereof, and to promote the leveeing, ditching, draining and reclamation of wet, swampy or overflowed lands. If any part of this act shall be declared illegal, it shall not effect the remaining part thereof. The collection of the assessment shall not be defeated where the parties are properly before the court, on account of any irregularity in the proceedings which does not affect the substantial rights of the party complaining. Any party or their privies properly before the court under the Civil Code of Practice shall be deemed to be before the court for all purposes, and shall be bound by all orders, judgments and proceedings in the case not excepted to, or appealed from, in the manner herein provided for. The remedies herein provided for are exclusive of all other remedies. If, on appeal or otherwise, or for any cause, any person or property shall be released, or any assessment

raised or lowered, it shall in no manner affect the rights or liability of any other property or persons, and the failure to appeal within the time herein prescribed shall be a waiver of any right to attack the proceeding.

§ 50. All acts or parts of acts in conflict herewith are hereby repealed. Provided, however, that nothing herein shall be so construed as to repeal the act of March 19, 1894, same constituting Sections 2413 to 2417, Kentucky Statutes, or the act of March 24, 1906, constituting Section 2417a, Kentucky Statutes (Carroll Edition 1909).

§ 51. Whereas, there are now pending in this State many proceedings for the establishment of drainage improvements wherein the parties desire to avail themselves of the provisions of this act; and whereas, many other sections need more perfect drainage, and the land owners thereof are only awaiting the passage of this act to carry out said work; and whereas, upon such proceedings, now pending, or about to be brought, depend the health, comfort, convenience and welfare of many sections of the State. Therefore, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were —

William Ahl
Robert H. Akin
J. M. Bean
Eli Berry
A. V. Bertram
Thos. M. Bertram
E. Bishop
H. C. Blades
John F. Brewer
Hiram Brown
Wallace Brown
C. W. Burton
G. E. Carroll
Sidney G. Clay
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
Eli Farmer
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
D. Clarence Gray
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
A. B. Holland
Green R. Keller
John G. Kelley
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
S. F. Middleton
R. C. McClure
Charles D. McCrea
W. N. McCubbin
Ben E. Niles
Luther C. Owings
A. W. Palmer
John A. Polin
W. A. Price
Stanley F. Reed
Robt. H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
C. B. Thompson
D. B. Thurman
David W. Wiley
Charles Yancy
—59

Resolved that the title thereof be as aforesaid.

And then the House adjourned.

MONDAY, MARCH 11, 1912.

The House was opened with prayer by the Rev. F. W. Eberhardt of the First Baptist Church of the city of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Keller offered the following resolution, viz.:

Whereas, it appears that the beautiful poem, "The Bivouac of the Dead" by Col. Theodore O'Hara, a gallant soldier of two wars, has been engraved, in whole or in part, over the entrance to and upon monuments in cemeteries, local and National, throughout the United States, but no similar record of it has ever been made in this the native State of the gifted Author, therefore,

Be it resolved by the House of Representatives, the Senate concurring therein, that the custodian of Public Buildings and Grounds be, and he is hereby directed to have suitable selections from said poem inscribed in suitable places upon the military monument erected in the Frankfort Cemetery by the State of Kentucky, in memory of the illustrious dead, or on markers around said graves and to have inscribed upon the monument of the dead poet, near by, the words "The Author of the Bivouac of the Dead," and that the Capitol Commission is hereby authorized to contract with Mrs. J. R. Richardson, Artist, of New York City, to execute a bronz tablet in low relief to be placed within the State Capitol Building at Frankfort, within the next two years, the provi-

sion for payment of which will be appropriated at the next General Assembly.

Said resolution was adopted.

Mr. Williams offered the following resolution, viz.:

Whereas, the Pastors of the various churches of the city of Frankfort, have been very considerate and obliging in attending the various sessions of the Legislature,

Therefore, be it resolved, by the House of Representatives the Senate concurring therein that there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of Three Hundred and Fifty Dollars, to be equally divided among the various Pastors that have so generously given their services at the opening of each sessions of this General Assembly.

And that we further more extend to them our thanks for the services so rendered.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	C. W. Burton	John M. Farra
Robert H. Akin	George P. Chinn	S. Walton Forgy
Eugene G. Asher	Sidney G. Clay	John F. Fryer
A. V. Bertram	W. Frank Cole	D. Clarence Gray
Thos. M. Bertram	Sidney J. Collins	T. J. Gregory
E. Bishop	Elkanah Dickey	Elwood Hamilton
Hiram Brown	G. L. Drury	V. D. Hammond
Wallace Brown	J. H. Elder	A. B. Hatton
Wm. L. Bowling	Eli Farmer	R. Dillard Hunter

Earl C. Huntsman	W. N. McCubbin	Robt. H. Scott
W. J. Jackson	C. B. Nichols	Walter S. Sinclair
M. C. Kirk	Ben E. Niles	W. Scott Smith
Charles H. Knight	L. B. Owen	Adam Spahn
William J. Kuh	Luther C. Owings	John G. Stoll
James A. Leach	W. F. Parker	E. B. Thompson
J. Albert Leach	William A. Perry	Louis B. Tieman
F. A. Lochry	Marion F. Pogue	E. B. Wiley
B. J. Matthews	John A. Polin	J. H. Williams
Emanuel Meyer	W. A. Price	B. S. Wilson
S. F. Middleton	Stanley F. Reed	Charles Yancy
R. C. McClure	S. L. Robertson	—63

Those who voted in the negative were—

S. H. Rogers	W. A. Shawler	Edward L. Young
		—3

Mr. Howell offered the following resolution, viz.:

Whereas, the five Commissioners of the Perry's Victory Centennial for the State of Kentucky, appointed by the Governor of the State under authority of Joint Resolution No. 13, Acts of 1910, have since their appointment co-operated intelligently and faithfully with the other Commissioners representing the National Government and the several States participating in the Centennial enterprise;

And, whereas, the said Kentucky Commissioners believe that experience has demonstrated the advisability of enlarging their board so that it shall consist of seven members, instead of five, as at present, in order to better promote the objects sought to be achieved by the State of Kentucky through her participation with her sister States in the erection of the Perry Memorial and the proper celebration of the one-hundredth anniversary of the events of the War of 1812.

Therefore, be it resolved by the House of Representatives, the Senate concurring, that the Governor be and hereby is authorized to appoint two additional members of the said Board of Commissioners of the Perry's Victory Centennial for the State of Kentucky, thus constituting in future a board of seven commissioners in all. The said commissioners, thus appointed, and their associates shall serve without compensation and make report to the Governor from time to time, of the progress of the affairs entrusted to their direction in connection with the said memorial and centennial celebration.

Said resolution was adopted.

A message was received from the Senate announcing that they had concurred in amendments proposed by the House of Representatives to bills which originated in the Senate of the following titles:

S. B. 165. An act for the protection of game and fish.

S. B. 246. An act to amend Sections One and Four of Article 17, of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled an act relating to revenue and taxation.

And had passed said bills as amended.

That they had passed bills which originated in the House of Representatives of the following titles, viz.:

H. B. 14. Anact to amend an act entitled Crimes and Punishments, which became a law on the 10th day of April, 1893.

H. B. 33. An act providing for the destruction of carcasses of swine dying from cholera and other diseases.

H. B. 405. An act to provide for the organization, armament equipment, discipline and government of the militia and amending Chapter 86, Sections 2652 to 2711, inclusive, of the Kentucky Statutes, Carroll's 1909 Edition, being an act of March 13, 1893, entitled an act concerning militia of the Commonwealth of Kentucky and amendatory acts thereto.

H. B. 248. An act to amend an act approved March 22, 1910, amending and re-enacting Section 2463 of the Kentucky Statutes relating to liens of mechanics and materialmen.

H. B. 7. An act for the benefit of the Kentucky School for the Deaf.

H. B. 102. An act to empower the Board of Trustees of graded schools operating under special charters known as Special Act Schools to levy tax for maintenance.

H. B. 31. An act qualifying and enabling women to vote for the election of school trustees and other school offices chosen by the people except such officers as women may be disqualified from voting for by the Constitution and upon school measures or questions submitted to a vote of the people and to hold common school offices except such offices as women are disqualified from holding under the Constitution.

H. B. 196. An act to amend Section 692, Kentucky Statutes, being Section 115 of an act entitled an act providing for the creation and regulation of private corporations which became a law April 5, 1893.

H. B. 454. An act to amend an act entitled an act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof, approved March 27, 1902, March 26, 1904, March 21, 1906, and March 19, 1910.

H. B. 96. An act to repeal an act entitled an act to repeal Section 1136, Chapter 36, of the Kentucky Statutes and the substitute therefor and re-enact Section 1136 of Kentucky Statutes.

With an amendment to the last named bill by way of substitute therefor.

The House proceeded to take up for consideration the last named bill with the amendment proposed thereto by the Senate.

(For Bill, see House Journal, February 6th.)

Said substitute amendment as proposed the Senate is as follows, viz.:

An act to amend an act entitled "An act to repeal Section 1136, Chapter 36, of the Kentucky Statutes and to substitute therefor," being Chapter 4 of the Acts of 1910, approved March 7, 1910.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to repeal section 1136, Chapter 36, of the Kentucky Statutes, and to substitute therefor," it being Chapter 4 of the Acts of 1910, approved March 7, 1910, be amended by adding thereto section 1 of said act the following section:

§ 2. That in all cases of felony hereafter tried before any court or jury in this State, if the court or jury finds the person on trial guilty of felony, and he is sentenced to confinement in the penitentiary, the judge who tried the case shall, at its conclusion, make a statement of all facts which are proven on the trial, which he may deem important or

necessary for the full comprehension of the case, which shall be filed with the papers in the case and be made part of the record thereof. The clerk of the court in which said trial was had shall furnish to the Board of Prison Commissioners together with the committment of the accused, a transcript of the record containing the indictment or information filed in the case, the judgment rendered, and copy of the statement made by the judge of the court as required by this act. Also the name and residence of the judge who presided in the case, of the jurors who tried the case, which record shall be received and filed by the Board of Prison Commissioners and preserved as part of the records of their office.

§ 3. That if application is made for parole or final discharge from the penitentiary by the defendant that said record shall be considered by said Board of Prison Commissioners, together with the defendant's record of deportment in the penitentiary, on the determination of his right to parole or discharge from the penitentiary. That upon the said record and the record of the prisoner while under confinement the Commissioners may in their discretion grant or refuse the application for parole or final discharge.

Said amendment was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Thos. M. Bertram	Sidney J. Collins
Robert H. Akin	Wm. L. Bowling	Elkanah Dickey
Eugene G. Asher	C. W. Burton	Eli Farmer
P. L. Atherton	G. E. Carroll	John M. Farra
George Baker	George P. Chinn	John F. Fryer
J. M. Bean	Sidney G. Clay	T. J. Gregory
A. V. Bertram	W. Frank Cole	Elwood Hamilton

V. D. Hammond
A. B. Hatton
John W. Holland
R. Dillard Hunter
W. J. Jackson
Charles H. Knight
William J. Kuh
Hugh Mahin
B. J. Matthews
S. F. Middleton
Ben E. Niles
Luther C. Owings
A. W. Palmer
Stanley F. Reed
H. A. Schoberth
W. H. Shanks
W. Scott Smith
Adam Spahn
C. B. Thompson
E. B. Thompson
Yeaman Watkins
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—46

Those who voted in the negative were—

E. Bishop
Henry Chunn
G. L. Drury
Ben F. Egleston
J. H. Elder
S. Walton Forgy
D. Clarence Gray
Earl C. Huntsman
James A. Leach
J. Albert Leach
F. A. Lochry
Emanuel Meyer
Harry J. Meyers
R. C. McClure
Charles D. McCrea
C. B. Nichols
L. B. Owen
William A. Perry
John A. Polin
S. L. Robertson
S. H. Rogers
Robt. H. Scott
W. A. Shawler
D. B. Thurman
E. B. Wiley
David W. Wiley
—26

The House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 164. An act to amend Section 4224, Kentucky Statutes, Carroll's Edition in regard to revenue and taxation.

S. B. 138. An act to authorize the investigation and exhumation of any body whose death resulted from suspected poisioning or other illegal cause unknown and the employment of competent medical assistance in determining the same.

S. B. 359. An act providing for an annual tax on each one hundred dollars of value of the shares of stock in all life

insurance companies chartered by and doing business in the State of Kentucky.

S. B. 136. An act to amend an act entitled an act to further regulate the Bureau of Agriculture, Labor and Statistics, approved March 17, 1902, and being Section 33a of the Kentucky Statutes.

S. B. 274. An act to amend and re-enact an act entitled an act to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to assign the cities and towns of this Commonwealth to the class to which they belong, approved March 16, 1910.

S. B. 72. An act to amend Section 760 of the Civil Code of Practice.

S. B. 281. An act to amend and re-enact Section 75 of the Criminal Code of Practice.

S. B. 109. An act to provide for the teaching of agriculture in the common schools of the Commonwealth of Kentucky.

S. B. 155. An act to give consent by the State of Ken tucky to the acquisition by the United States of such lands as may be needed for a National Forest Reserve.

Ordered that said bills be read the second time.

The provision of the Constitution as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles and ordered to be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 210. An act to repeal an act to establish a common school for the benefit of the colored people of Catlettsburg and vicinity.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act to establish a common school for the benefit of the colored people of Catlettsburg and vicinity," approved March twenty-eight, one thousand eight hundred and seventy-three, be, and the same is hereby repealed.

§ 2. Whereas, the public school interests in the common school district for the benefit of the colored people of Catlettsburg and vicinity demand that this repeal should become operative at once, therefore an emergency is declared to exist and this act shall take effect from its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	L. B. Owen
Robert H. Akin	T. J. Gregory	Luther C. Owings
Eugene G. Asher	Joe Hall	A. W. Palmer
P. L. Atherton	A. B. Hatton	J. R. Paxton
A. V. Bertram	L. B. Herrington	William A. Perry
Thos. M. Bertram	James R. Howell	Marion F. Pogue
Hiram Brown	R. Dillard Hunter	John A. Polin
Wallace Brown	W. J. Jackson	S. H. Rogers
Wm. L. Bowling	Green R. Keller	W. H. Shanks
C. W. Burton	W. E. King	W. A. Shawler
George P. Chinn	William J. Kuh	Walter S. Sinclair
Henry Chunn	James A. Leach	W. Scott Smith
Sidney G. Clay	J. Albert Leach	A. H. Stamper
W. Frank Cole	F. A. Lochry	John G. Stoll
Sidney J. Collins	Hugh Mahin	D. B. Thurman
Elkanah Dickey	B. J. Matthews	E. B. Wiley
G. L. Drury	Emanuel Meyer	David W. Wiley
J. H. Elder	S. F. Middleton	B. S. Wilson
Eli Farmer	R. C. McClure	Charles Yancy
John M. Farra	Charles D. McCrea	Edward L. Young
S. Walton Forgy	W. N. McCubbin	—64
John F. Fryer	C. B. Nichols	

Those who voted in the negative were—

George Baker

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 88. An act to regulate the employment of females in order to safeguard their health.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No female under twenty-one years of age shall be employed or suffered or permitted to work at any gainful occupation except domestic service and nursing, more than sixty hours in any one week, nor more than ten hours in any one day.

§ 2. No female of whatever age shall be employed, or suffered, or permitted to work in any laundry, bakery, factory, workshop, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office, more than sixty hours in any one week, nor more than ten hours in any one day.

§ 3. Every person, firm or corporation that employs females shall be provided seats for their use in the room where they work and shall maintain and keep them there, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed. In stores and mercantile establishments at least one seat shall be provided for every three females employed. If the duties of the female employees, for the use of whom the seats are furnished, are to be principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front thereof. If such duties are to be principally performed behind such counter, table desk or fixture, such seats shall be placed behind the same. The provision of seats that fold when not in use shall not be deemed a compliance with this section.

§ 4. Every person, firm or corporation employing females shall provide suitable and proper wash rooms and water closets, or privy closets where sewer connection is im-

possible, and shall keep such closets at all times clean and properly screened and ventilated and free from obscene writing or marking. If male persons also be employed in the same establishment such employer shall provide closets for the men in a room entirely separate from, and having an entrance entirely distinct and separate from that to the room containing the women's closet. A dressing room shall be provided by the employer for the women when the nature of their work is such as to require any change in clothing.

§ 5. Every person, firm or corporation employing females in laundry, bakery, factory, workshop, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office, shall keep a time book in which shall be correctly recorded the name of each female employee and the number of hours she is employed each day, which book shall at all times be open to the inspection of the State Labor Inspector and his assistants. Any such employer or agent of such employer who knowingly makes any false record in this book, and any such employer who fails to keep such book or fails to produce it upon request to the State Labor Inspector or his assistants for inspection shall be guilty of a violation of this act.

§ 6. Every person, firm or corporation employing females in laundry, bakery, factory, workshop, store, or mercantile, manufacturing, or mechanical establishment, or hotel, resaurant, telephone exchange or telegraph office, shall cause to be posted and at all times keep in a conspicuous place in each workroom wherein females are employed in the establishment of such employer.

(a) A plainly printed copy of this act, and

(b) A printed notice, in a form which shall be furnished by the State Labor Inspector, stating the number of

hours per day for each day of the work required of the females employed, and the time when such work shall begin and end.

§ 7. Any person, firm or corporation who or which violates any of the provisions of this act, or suffers or permits any female employed in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days, or by a fine of not less than fifty dollars nor more than two hundred dollars, or by both fine and imprisonment.

§ 8. If any section of this bill shall be held to be unconstitutional in whole or in part, the fact shall not affect any other section of the act, it being the intention of the General Assembly in enacting this bill to enact each section separately.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	V. D. Hammond	W. V. Perry
Robert H. Akin	A. B. Hatton	Marion F. Pogue
Eugene G. Asher	L. B. Herrington	John A. Polin
P. L. Atherton	John W. Holland	W. A. Price
J. M. Bean	James R. Howell	Stanley F. Reed
A. V. Bertram	R. Dillard Hunter	S. L. Robertson
Thos. M. Bertram	W. J. Jackson	S. H. Rogers
E. Bishop	Green R. Keller	Robt. H. Scott
Hiram Brown	John G. Kelley	W. H. Shanks
Wallace Brown	W. E. King	W. A. Shawler
Wm. L. Bowling	M. C. Kirk	Walter S. Sinclair
C. W. Burton	Charles H. Knight	W. Scott Smith
George P. Chinn	William J. Kuh	Adam Spahn
Henry Chunn	James A. Leach	A. H. Stamper
Sidney G. Clay	J. Albert Leach	John G. Stoll
W. Frank Cole	F. A. Lochry	C. B. Thompson
Sidney J. Collins	Hugh Mahin	E. B Thompson
Elkanah Dickey	B. J. Matthews	D. B. Thurman
Francis B. Douglas	Emanuel Meyer	Louis B. Tieman
G. L. Drury	S. F. Middleton	Yeaman Watkins
J. H. Elder	R. C. McClure	E. B. Wiley
John M. Farra	W. N. McCubbin	David W. Wiley
S. Walton Forgy	Ben E. Niles	J. H. Williams
John F. Fryer	L. B. Owen	B. S. Wilson
D. Clarence Gray	Luther C. Owings	Charles Yancy
T. J. Gregory	A. W. Palmer	Edward L. Young
Joe Hall	W. F. Parker	—82
Elwood Hamilton	William A. Perry	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 192. An act to authorize the auditing and provide for the payment of the deficit occasioned by the House of Reform to prohibit the incurrence of debt by said institution in

excess of the appropriations for its use and maintenance and to provide a penalty therefor.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, prior to the 14th day of June, 1910, the Houses of Reform (one for boys and one for girls) at Greendale, Kentucky, were operated upon a per capita basis; and

Whereas, the per capita then provided for was inadequate to maintain the institutions and clothe, feed, educate and treat the inmates, and such inadequate provision resulted in a deficit up to June 14, 1910, amounting to thirty-seven thousand nine hundred twenty-eight and 09-100 dollars, which deficit is represented by outstanding and unpaid claims against said institution; and

Whereas, it is just and proper that said indebtedness be paid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed, upon the proper certifiation and approval of the said claims representing said deficit by the Board of Prison Commissioners, in the manner provided by law, to audit said claims and to draw his warrants upon the treasury therefor in favor of the respective persons and concerns to which said items of indebtedness are due, including interest on each from the date thereof until paid at the rate of six per cent per annum; and the treasurer

is authorized and directed to pay the same; and there is hereby appropriated out of the funds in the hands of the treasurer amount sufficient to pay said items constituting said deficit, not exceeding the sum of $37,928.09, with six per cent interest thereon from the date of each of said claims.

§ 2. It shall herefater be unlawful for the officers of those in control of said institution to incur any debt in excess of the amounts appropriated for its use and maintenance.

§ 3. Any person who shall violate Section 2 of this act shall on conviction be fined in any sum not less than one hundred ($100) dollars, nor more than five hundred ($500) dollars for each offense.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George P. Chinn	S. Walton Forgy
Robert H. Akin	Henry Chunn	John F. Fryer
J. M. Bean	Sidney G. Clay	D. Clarence Gray
A. V. Bertram	W. Frank Cole	T. J. Gregory
Thos. M. Bertram	Sidney J. Collins	Elwood Hamilton
E. Bishop	Elkanah Dickey	V. D. Hammond
Hiram Brown	G. L. Drury	A. B. Hatton
Wallace Brown	J. H. Elder	L. B. Herrington
Wm. L. Bowling	Eli Farmer	James R. Howell
C. W. Burton	John M. Farra	R. Dillard Hunter

Earl C. Huntsman	R. C. McClure	H. A. Schoberth
W. J. Jackson	Charles D. McCrea	Robt. H. Scott
Green R. Keller	C. B. Nichols	W. H. Shanks
W. E. King	Ben E. Niles	Adam Spahn
M. C. Kirk	L. B. Owen	A. H. Stamper
William J. Kuh	Luther C. Owings	John G. Stoll
James A. Leach	A. W. Palmer	C. B. Thompson
J. Albert Leach	J. R. Paxton	E. B. Thompson
F. A. Lochry	William A. Perry	D. B. Thurman
Hugh Mahin	W. V. Perry	Louis B. Tieman
B. J. Matthews	Marion F. Pogue	E. B. Wiley
Emanuel Meyer	John A. Polin	Charles Yancy
Harry J. Meyers	Stanley F. Reed	—70
S. F. Middleton	S. L. Robertson	

Those who voted in the negative were—

John G. Kelley	W. A. Shawler	W. Scott Smith

—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 191. An act for the participation of the Commonwealth of Kentucky in the Perry's Victory Centennial and in the erection of the Perry Memorial at Put-in-Bay Island, Ohio, in the year 1913, in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's northwester campaign in the War of 1812, and the 100th anniversary of the battle of the Thames in conjunction with the National Government and the State of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Minnesota, Indiana and Louisiana, and making an appropriation therefor.

Said bill reads as follows, viz.:

Whereas, the State of Ohio by joint resolution of its General Assembly adopted February 28, 1908, authorized its Governor to appoint, and in pursuance thereof he did appoint commissioners to prepare and carry out plans for a Perry's Victory Centennial celebration to be held during the year 1913 on Put-inBay or South Bass Island, Lake Erie, State of Ohio, in commemoration of the 100th anniversary of the battle of Lake Erie fought and won off that island September 10, 1813, and in commemoration of the 100th anniversary of the battle of the Thames, October 5, 1813, and of the military campaign of General William Henry Harrison in the same year, and of the peace of 1814, the primary objects of the celebration to be the erection of a permanent memorial to Commodore Oliver Hazard Perry and the sailors and soldiers of the Commonwealth of Kentucky and other States who participated in the naval and military events of the War of 1812, the said celebration also to take the form of an educational military, naval and historical exposition, and

Whereas, the Governors of the States of Pennsylvania, Illinois, Michigan, Wisconsin, New York, Rhode Island and Kentucky, by the unanimous authority of their respective Legislatures have each since appointed commissioners to cooperate with one another and with the Ohio commissioners to the same end in such Perry's Victory Centennial so to be held, and

Whereas, by authority of the Congress of the United States, the President of the United States has likewise appointed three commissioners representing the National Government in the same objects, and

Whereas, such National and State commissioners have organized under the name of "Perry's Victory Centen-

nial Commissioners," and are and for some time have been contriving practical measures for the success of this patriotic and useful undertaking, and

Whereas, the five commissioners appointed by the Governor of Kentucky, in March, 1910, have faithfully discharged the obligations of such appointment by effectively co-operating with the representatives of the other participating States and of the National Government in promoting the enterprise, and

Whereas, the National Government has appropriated for the objects in view the sum of two hundred and fifty thousand dollars ($250,000), the State of Ohio eighty-three thousand dollars ($83,000), the State of Pennsylvania seventy-five thousand dollars ($75,000), the State of Wisconsin fifty thousand dollars ($50,000), and the State of Rhode Island twenty-five thousand dollars ($25,000), and the other participating States are confidently expected to make suitable appropriations for the same objects; and

Whereas, among said objects related to the proposed Perry Memorial are certain ones calculated to be of great and lasting benefit to humanity and to the protection of the lives and property of American citizens by the establishment and maintenance of wireless telegraph communication on the Great Lakes, lighthouses and meteorological and life saving stations, to be of perpetual usefulnes for such and other purposes, and

Whereas, the people of Kentucky, by reason of the heroic sacrifices and services of thier ancestors and other kindred in the War of 1812, and the efficient and patriotic part taken by leading Kentuckians both in the prosecution of that war and in negotiating the peace which marked its close, are pecu-

liarly interested in the motives and objects which have united Kentucky and her sister States and the National Government in the said Perry's Victory Centennial celebration and the erection of the said permanent memorial; and it is fitting that these important historic events and the valiant actors therein shall be appropriately commemorated;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-five thousand dollars ($25,000) one-half thereof from the revenues of 1913, and one-half from the revenues of 1914, or so much thereof as may be necessary be and the same is hereby appropriated, out of any funds in the treasury not otherwise appropriated, toward the erection of a memorial in commemoration of the battle of Lake Erie, the battle of the Thames and the northwestern campaign of General William Henry Harrison, and in honor of the Kentucky and other troops who participated in the War of 1812, and in commemoration of the peace of 1814, with Great Britian, and in aid of the said Perry's Victory Centennial Celebration, to be held during the year nineteen hundred and thirteen (1913) on Put-in-Bay Island, Lake Erie, Ohio, and in the principal cities of the participating States.

§ 2. That the commission, composed of five members, heretofore appointed by the Governor of Kentucky pursuant to a joint resolution adopted by the General Assembly at its regular session of nineteen hundred and ten (1910) and approved March 7, 1910, shall continue to act as now constituted and any vacancies in said commission, from whatever cause same may occur, shall be filled by appointment by the Governor.

§ 3. That the money hereby appropriated shall be disbursed for the purposes herein declared by the aforesaid commission, to be known as the "Perry's Victory Centennial Commissioners of the Commonwealth of Kentucky," and said money, as needed, shall be paid out by the State Treasurer, upon the warrants of the Auditor of Public Accounts, which warrants shall be drawn by the Auditor upon orders, signed by the secretary of said commission and countersigned by the chairman or vice chairman thereof.

§ 4. That in no event and under no circumstances shall the Commonwealth of Kentucky become or be made liable for any sum in excess of the appropriation hereby made.

§ 5. That the commissioners appointed and serving under the aforesaid resolution approved March 7, 1910, or under this act, shall serve without compensation, and, at the conclusion of the said proposed celebration, they shall make to the Governor due report of their acts and proceedings in connection therewith and shall furnish to him a detailed statement of the cost of said celebration and memorial and of the disbursements made of behalf of the Commonwealth of Kentucky out of the funds hereby appropriated, or such part of this information as the Governor may require. Said report and statement shall by the Governor be laid before the General Assembly at its next regular session to be held in the year nineteen hundred and fourteen (1914).

§ 6. That any part of the appropriation hereby made in excess of the needs of said commission for the purposes in view or which shall remain unexpended, shall be covered into the treasury, to the credit of the general fund of the Commonwealth.

§ 7. That inasmuch as it appears that the preparations for the holding of said celebration and the erection of said

memorial have so far progressed as to make it desirable that the funds hereby appropriated and set apart shall become at once available for use, an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	G. L. Drury	Hugh Mahin
Robert H. Akin	Ben F. Egleston	B. J. Matthews
Eugene G. Asher	J. H. Elder	Emanuel Meyer
P. L. Atherton	Eli Farmer	Harry J. Meyers
George Baker	John M. Farra	R. C. McClure
J. M. Bean	S. Walton Forgy	Charles D. McCrea
Thos. M. Bertram	John F. Fryer	W. N. McCubbin
H. C. Blades	Elwood Hamilton	C. B. Nichols
John F. Brewer	V. D. Hammond	Ben E. Niles
Hiram Brown	L. B. Herrington	L. B. Owen
Wallace Brown	A. B. Holland	Luther C. Owings
Wm. L. Bowling	John W. Holland	A. W. Palmer
C. W. Burton	James R. Howell	W. F. Parker
G. E. Carroll	R. Dillard Hunter	J. R. Paxton
George P. Chinn	Earl C. Huntsman	William A. Perry
Henry Chunn	Green R. Keller	W. V. Perry
Sidney G. Clay	M. C. Kirk	Marion F. Pogue
W. Frank Cole	Charles H. Knight	John A. Polin
Sidney J. Collins	William J. Kuh	W. A. Price
Elkanah Dickey	James A. Leach	Stanley F. Reed
Francis B. Douglas	F. A. Lochry	S. L. Robertson

H. A. Schoberth	A. H. Stamper	Yeaman Watkins
Robt. H. Scott	John G. Stoll	E. B. Wiley
W. A. Shawler	C. B. Thompson	J. H. Williams
Walter S. Sinclair	E. B. Thompson	B. S. Wilson
W. Scott Smith	D. B. Thurman	Charles Yancy
Adam Spahn	Louis B. Tieman	—79

Those who voted in the negative were—

A. V. Bertram	Joe Hall	John G. Kelley
D. Clarence Gray	A. B. Hatton	Edward L. Young
T. J. Gregory	W. J. Jackson	—8

Resolved that title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 287. An act to make an appropriation for securing the birth place of Jefferson Davis and erecting thereon a suitable memorial to his memory.

Said bill reads as follows, viz.:

Whereas, Jefferson Davis was born in Christian County, Kentucky, on the 3rd day of June, 1808, and subsequently moved to the State of Mississippi, and

Whereas, Jefferson Davis occupied a distinguished place in the history of the United States, and was the first and only President of the Confederate States, and by his great integrity, his courage, and his splendid character, contributed much to the renown of the State of Kentucky, and

Whereas, Kentucky has always recognized the greatness of her children, and has endeavored to commemorate their

services and achievement to the State and to their Country, and

Whereas, there has been organized a corporation under the laws of Kentucky styled the "Jefferson Davis Home Association," having for its purpose the purchase of the birthplace of Jefferson Davis and erecting a proper and fitting memorial thereon, wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the treasury of the State of Kentucky the sum of seven thousand, five hundred, (7,500) dollars for the purpose of aiding in the purchase of the birthplace of Jefferson Davis in Todd and Christian Counties, and for erecting thereon a proper and fitting memorial, but not exceeding $800.00 of said amount shall be used in the purchase of the ground necessary for the erection of a memorial or monument, and not exceeding $1,800 for the purpose of enclosing the same. The remainder of said sum, viz., $4,900.00, shall be used in constructing either a monument or memorial hall of some kind on the said ground hereinbefore referred to.

§ 2. Whenever it shall appear to the Governor of Kentucky that the Jefferson Davis Home Association has paid all the cost price of the property necessary for the purposes herein indicated, except $800.00, he shall notify the Anditor of the State of Kentucky, and thereupon the Auditor shall draw his warrant on the State Treasurer payable to the Treasurer of the Jefferson Davis Home Association, for said sum of $800.00.

§ 3. Whenever the Jefferson Davis Home Association, by its President, shall notify the Governor that contracts

have been entered into for the erection of walls or fences to enclose what is now known as "Jefferson Davis Park," being 19 acres, more or less, in the town of Fairview, in the Counties of Todd and Christian, then the Governor shall notify the Auditor of the State of Kentucky of such fact, and he will draw his warrant on the said Treasury for $1,800 payable to the Treasurer of the Jefferson Davis Home Association.

§ 4. The remainder of the money shall be paid to the Jefferson Davis Home Association to aid in the erection of either a memorial hall or a monument on said "Jefferson Davis Park" in memory of Jefferson Davis.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Wallace Brown	S. Walton Forgy
Robert H. Akin	C. W. Burton	John F. Fryer
P. L. Atherton	G. E. Carroll	T. J. Gregory
George Baker	George P. Chinn	Joe Hall
J. M. Bean	Sidney G. Clay	Elwood Hamilton
Thos. M. Bertram	Sidney J. Collins	V. D. Hammond
E. Bishop	Ben F. Egleston	L. B. Herrington
H. C. Blades	J. H. Elder	A. B. Holland
John F. Brewer	Eli Farmer	John W. Holland
Hiram Brown	John M. Farra	James R. Howell

R. Dillard Hunter	W. N. McCubbin	W. A. Shawler
Earl C. Huntsman	C. B. Nichols	W. Scott Smith
W. J. Jackson	Ben E. Niles	Adam Spahn
Green R. Keller	L. B. Owen	A. H. Stamper
W. E. King	Luther C. Owings	John G. Stoll
M. C. Kirk	W. F. Parker	C. B. Thompson
Charles H. Knight	J. R. Paxton	E. B. Thompson
William J. Kuh	William A. Perry	D. P. Thurman
J. Albert Leach	W. V. Perry	David W. Wiley
Hugh Mahin	Marion F. Pogue	J. H. Williams
B. J. Matthews	John A. Polin	B. S. Wilson
Emanuel Meyer	W. A. Price	Charles Yancy
Harry J. Meyers	S. L. Robertson	
S. F. Middleton	Robt. H. Scott	—71

Those who voted in the negative were—

Elkanah Dickey	D. Clarence Gray	John G. Kelley

—3

Resolved that the title thereof be as aforesaid.

Mr. J. W. Holland offered the following resolution, viz.:

Be it resolved by the House of Representatives that the gentleman from the County of McCracken be requested to reduce his speech on S. B. No. 191 to writing and the Clerk of this House be ordered to have said speech printed and a copy thereof furnished to each member of this House. The expenses thereof to be paid ont of the contingent expenses of this House.

Said resolution was adopted.

Mr. Forgy offered the following resolution, viz.:

Be it resolved by this House that the speech of the member from Christian on S. B. 287 be reduced to writing and

printed and that the Clerk furnish each member a copy thereof, and that the expenses thereof be paid out of the contingent expense fund of this House.

Said resolution was adopted.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 91. "An Act to provide for the sale and purchase of the assets of a corporation created under the laws of this Commonwealth whose charter will expire within two years from the date of such sale and purchase."

H. B. 99. "An Act to amend an act amending Section 965 of the Kentucky Statutes, relating to the time of holding Courts in the Eighth Judicial District."

H. B. 103. "An Act to amend Chapter 113 article 6a, Carroll's Kentucky Statutes, 1909 page 133, act of March 24, 1908, districts, teachers, taxation."

H. B. 209. "An Act for the benefit of the Attorney General's office allowing $12,000.00 annually for additional clerk hire."

H. B. 329. "An Act to regulate the time of holding the terms of the Circuit Courts in the 20th Judicial District."

S. B. 165. "An Act for the protection of game and fish."

S. B. 246. "An Act to amend Sections One and Four of article 17, of an act of the General Assembly of Kentucky approved March 15, 1906, entitled An Act relating to Revenue and Taxation."

S. B. 2. "An Act to amend Section 4020 of the Kentucky Statutes, Carroll's Edition 1909."

S. B. 36. "An Act to amend the Constitution of Kentucky by allowing the employment of convict labor on public Roads and Bridges."

S. B. 178. "An act to amend an act approved March 21, 1910, entitled, An Act for the government of cities of the second class in the Commonwealth of Kentucky, which was approved March 1894 and thereafter in due course became a law, and same has since been amended, all of which said acts and amendments now appear as article three of Chapter 89, Kentucky Statutes, Carroll's Edition thereof in 1909."

S. B. 222. "An act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a fire marshal of the State of Kentucky and for assistant to the fire marshal and fixing the powers and duties also to provide for the payment of the fire marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth including the pay of assistants to the fire marshals."

H. B. 28. "An Act to repeal an act entitled, an act to establish a bureau of vital statistics and to provide for the immediate registration of all births and deaths, etc."

H. B. 55. "An Act appropriating money for the erection of buildings and other improvements upon the State Fair Grounds and providing for the maintenance of same."

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the

Speaker of the House of Represetatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

And the House recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 264. An act providing for interchange and transmission of messages between telephone companies.

Said reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Telephone companies operating exchanges in different towns and cities shall receive and transmit each others'

messages without unreasonable delay or discrimination, and the telephone exchange receiving any message from the exchange in which said message originated shall, in the event the destination of said message to be an exchange or point beyond the lines of the exchange first receiving it as above stated, then said exchange first receiving said message and the exchanges connected therewith through which said message should be routed shall switch said message through their respective exchanges by causing, without unreasonable delay or discrimination, and with the same promptness with which messages originating and ending on their own lines are handled, the talking circuit to be connected up over the toll line leading through of from said receiving exchange through other connecting exchanges to the point of destination.

In order to give effect to Section 199 of the Constitution it is hereby intended to compel the connecting up and usage of toll wires through the various intervening exchanges between the exchange in which the messages originate and the point of destination, so that the party requesting said service shall be able to hold a conversation over the telephone circuit with the party called for at the point of destination.

§ 2. Whenever any individuals, associations, or corporations owning or operating such telephone exchanges, or lines desire to connect their exchanges or lines with the exchanges or lines of other individuals, associations and corporations and the latter shall refuse to permit this to be done, upon reasonable terms, rates and conditions, then the individuals, associations or corporations so desiring to connect their exchanges and lines shall file a written statement of such desire with the Railroad Commission, setting out the reasons why such connection is desired and the point or points at which such connection or connections should be made, and giving the name and address of the owner or chief officer of the company or companies operating the lines and exchanges so de-

sired to be connected with, residing in this State; and it shall thereupon be the duty of the secretary of said commission to cause to be served a copy of such writing upon the individuals, associations or corporation owning or operating said lines or exchanges by mailing a copy thereof to said owner or chief officer residing in this State, and to fix a date, not earlier than ten day from the date of mailing such notice, for the hearing of said application; and upon the day so fixed for said hearing the said individuals, associations or corporations may respond in writing to said application and either side may introduce such testimony as it desires and be heard by attorneys. After said hearing is completed the Commission shall enter its finding in a book to be kept for that purpose, and shall mail a copy thereof to each side; and if it directs such connection to be made it shall indicate the point or points where it is to be so made and the number of wires to be connected, and the terms, conditions and rates of tolls to be charged, and the division of said toll charged between the respective parties handling toll messages over the lines, and the cost of making such connection shall be borne equally by the parties.

If said company shall refuse to make such connection for a period of thirty days after said finding, it shall be subject to a fine of not less than one thousand dollars nor more than five thousand dollars, to be recovered by indictment in the Franklin Circuit Court or in the Circuit Court of the county where person or corporation requesting said connection resides or has its chief office in this State, and the company so desiring to connect its lines and exchanges with the lines and exchanges of the company so refusing shall be authorized and permitted to connect same and shall recover one-half the cost of making such connection or connections from the company so refusing; and if said delinquent company shall refuse to receive and transmit the toll messages so offered to it by the company conecting with its lines or ex-

changes, or shall refuse to deliver messages from its own lines or exchanges to the lines or exchanges of the company so connecting with it, it shall be fined the sum of one hundred dollars for each day it so refuses, to be recovered by indictment in the courts above named; and if it shall continue so to refuse for a period of six months it shall forfeit its right to do business in this State, and any and all officers, agents and employes who shayy do or attempt to do any business in this State for it after the expiration of said period of six months shall be fined the sum of fifty dollars for each day they do so or attempt to do any of such business for it.

§ 3. If upon the demand of any person or corporation operating a telephone exchange, or toll line, the other persons or corporations upon whom the demand is made for physical connection and interchange of messages refuse to permit said connection or refuse to grant said privilege upon reasonable terms, conditions and toll rates, then the person or corporation demanding said physical connection and interchange of messages can compel same upon reasonable terms by suit in equity filed in the Franklin Circuit Court or in the Circuit Court of the county in which the party making the demand resides or has its chief office in Kentucky, and the court shall, by mandatory injunction, compel said physical connection of the wires and interchanges of messages with the exchange or toll line wires demanded, and enforce same by contempt proceeding and in the manner other mandatory injunctions are enforced in this Commonwealth. All actions brought for the enforcement of physical connections and interchange of messages between telephone exchanges or toll lines shall proceed in the same manner as other equitable actions in the courts of this Commonwealth; and the remedy by mandatory injunction provided in this section may be invoked by the person or company demanding said conection in lieu of the remedy provided in Section 2 above.

§ 4. Any company doing anything in this act prohibited, or failing to do anything required by this act, for which no other penalty is herein provided, shall be fined the sum of five hundred dollars for each offense, and each day it does a prohibited act or fails to do anything required by this act shall be a separate offense.

§ 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The follow amendments were offered to said bill, viz.:

1. By Mr. Ben E. Niles:

Section 1. Strike out all of line 1, and the words "towns and cities" of line two—and in lieu thereof, insert the following: "As hereinafter provided, telephone companies doing business in this State."

2. By Mr. Ben E. Niles:

Section 1. At the end of line 20, change the period to a semicolon, and add: "but nothing herein shall be construed as affecting interstate commerce, or wires or property used in interstate commerce."

3. By Mr. Ben E. Niles:

Section 2. At the beginning of Section 2, insert the following: "Upon demand of the majority of the patrons of any telephone company, or."

4. By Mr. Ben E. Niles:

Section 2. At the beginning of line 5, strike out the words "shall refuse" and in lieu thereof insert "are willing."

5. By Mr. Ben E. Niles:

Section 2, line 6, after the word "condition" insert the following: "The said individuals, associations or corporations, may enter into an agreement providing for the connection, maintenance and operation of lines and exchanges and division or fees, tolls, rentals and expenses in connection therewith, but no such agreement shall be effective until approved by the proper legislative body of the municipality wherein such exchanges are located. If the individuals, associations or corporations cannot agree upon fair and reasonable terms and conditions."

6. Section 2. Line 31, strike out "division of said" and in the same line after the word "charged" insert "shall be divided."

7. By Mr. Ben E. Niles:

Section 2, Line 32. after the word "lines," insert "in proportion to the length of their respective lines."

8. By Mr. B. S. Wilson:

Amend Section 3, by changing the word "shall" in line 2 to "may"

Amend same Section by inserting after "wires" in line 12 te words "and exchanges."

Amend by inserting after the word "demanded" in line 13 of section 3, the following: "Provided it will not result in injury to the property or service of either corporation, or amount to a taking of property without just compensation."

Amend Section.... by adding thereto the words "Any party dissatisfied with any finding of the commission shall have recourse to the courts by proper procedure."

Said amendments were severally disagreed to.

Mr. Dickey moved that said bill be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Schoberth and H. J. Meyers were as follows, viz.:

Those who voted in the affirmative were—

Elkanah Dickey	S. Walton Forgy	John W. Holland
	Ben E. Niles	—4

Those who voted in the negative were—

William Ahl	John M. Farra	J. Albert Leach
Eugene G. Asher	John F. Fryer	F. A. Lochry
P. L. Atherton	Allie T. Gaines	Hugh Mahin
J. M. Bean	D. Clarence Gray	Emanuel Meyer
A. V. Bertram	T. J. Gregory	Harry J. Meyers
E. Bishop	Joe Hall	S. F. Middleton
H. C. Blades	Elwood Hamilton	R. C. McClure
Wallace Brown	A. B. Hatton	W. N. McCubbin
C. W. Burton	L. B. Herrington	C. B. Nichols
G. E. Carroll	James R. Howell	L. B. Owen
George P. Chinn	R. Dillard Hunter	Luther C. Owings
Sidney G. Clay	W. J. Jackson	A. W. Palmer
W. Frank Cole	Green R. Keller	W. F. Parker
Sidney J. Collins	John G. Kelley	J. R. Paxton
G. L. Drury	W. E. King	John A. Polin
Ben F. Egleston	M. C. Kirk	W. A. Price
J. H. Elder	William J. Kuh	Stanley F. Reed
Eli Farmer	James A. Leach	S. L. Robertson

S. H. Rogers	Walter S. Sinclair	E. B. Thompson
H. A. Schoberth	W. Scott Smith	D. P. Thurman
Robt. H. Scott	A. H. Stamper	Yeaman Watkins
W. H. Shanks	John G. Stoll	E. B. Wiley
W. A. Shawler	C. B. Thompson	B. S. Wilson

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Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	Allie T. Gaines	B. J. Matthews
Eugene Asher	D. Clarence Gray	Emanuel Meyer
George Baker	T. J. Gregory	Harry J. Meyers
Thos. M. Bertram	Joe Hall	R. C. McClure
E. Bishop	Elwood Hamilton	Chas. D. McCrea
John F. Brewer	V. D. Hammond	W. N. McCubbin
Hiram Brown	A. B. Hatton	C. B. Nichols
Wallace Brown	L. B. Herrington	L. B. Owen
G. E. Carroll	R. Dillard Hunter	Luther C. Owings
George P. Chinn	W. J. Jackson	W. F. Parker
Henry Chunn	Green R. Keller	J. R. Paxton
Sidney G. Clay	John G. Kelley	William A. Perry
W. Frank Cole	W. E. King	W. V. Perry
Sidney J. Collins	M. C. Kirk	Marion F. Pogue
G. L. Drury	William J. Kuh	W. A. Price
Ben F. Egleston	James A. Leach	Stanley F. Reed
Eli Farmer	J. Albert Leach	S. L. Robertson
John M. Farra	F. A. Lochry	S. H. Rogers
John F. Fryer	Hugh Mahin	H. A. Schoberth

Robt. H. Scott	John G. Stoll	Yeaman Watkins
W. H. Shanks	Henry Thomas	E. B. Wiley
W. A. Shawler	C. B. Thompson	B. S. Wilson
W. Scott Smith	E. B. Thompson	Charles Yancy
Adam Spahn	D. B. Thurman	—72
A. H. Stamper	Louis B. Tieman	

Those who voted in the negative were—

William Ahl	Elkanah Dickey	Ben E. Niles
P. L. Atherton	J. H. Elder	David W. Wiley
A. V. Bertram	S. F. Middleton	Edward L. Young
		—9

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 87. An act to amend the charter of cities of the third class.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Chapter 89 of the Kentucky Statutes, Carroll's Revision of 1909, the same being the charter of cities of the third class, is hereby amended by adding thereto after Section 3459 thereof, the following section as Section 3459a, which section shall read as follows, to-wit:

Section 3459a. The common council may provide that the construction or reconstruction of any of the sewers, streets, alleys, public ways and sidewalks shall be made on the ten (10) year plan; and thereupon when any such im-

provement or reimprovement has been completed and accepted a notice shall be given by publication in a newspaper of general circulation published in the city, requiring the property owner to pay the assessments made against their property for such work; and if such assessments be not paid by such property owners, then to provide a fund for the payment of such portion of the entire cost of such improvement or reimprovement as the property holders shall be liable for but may not pay in cash in conformity with said notice the comcouncil is authorized to borrow money at a rate of interest not exceeding six per cent per annum in anticipation of the collection of a special tax or assessment for such improvement or reimprovement from such property holders, and to issue the bonds of the city therefor in manner and form herein provided, pledging the liens on the property and any fund which the city may have set apart for said purpose and the faith and credit of the city where the city has been authorized to pledge its faith and credit, or any or all of said pledges may be given by the city for the payment of the principal and interest of said bonds as the city may desire. The city may, if it so desires and has been authorized by law, to pledge the faith and credit of the city in payment of its part of the cost of any improvement made hereunder, issue bonds for its part of the cost of the improvement in like manner as is herein provided for the issual of bonds in payment of the cost of the improvement on behalf of the property holders. But said city may assess the entire cost of such improvement or reimprovement against the property owners and issue bonds therefor as herein provided. Said bonds shall be divided into ten series, each series to be as nearly equal as possible; said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of $100 or its multiple, not exceeding $1,000, and shall bear interest at the rate

of not exceeding six per cent per annum. Said bonds shall show upon their face by general designation, the sewer district, streets or other public ways for the improvement or reimprovement of which they are issued or used. Any odd amount remaining after the issuing of said bonds of the denomination of $100 or it multiple as herein provided may be paid in cash out of the general fund of the city, or may at the option of the common council be included in a separate bond payable in ten years from date drawing like interest as the bonds herein provided for. The owner or owners of each lot of land subject to assessment for such improvement or reimprovement who pays in cash the entire amount of assessment or tax due upon his property shall thereupon have his property released upon the record of the common council from further liability for the payment of said bonds or said assessment or tax. Such property owners as do not pay in cash the entire amount of assessment or tax against their property for such improvement or reimprovement shall pay annually at the time of the payment of their city taxes one-tenth (1-10) of the amount of the assessment or tax against his property, together with six per centum per annum interest thereon from the date of such assessment until paid and six per centum per annum interest upon the reamining assessment unpaid; and shall continue such annual payments at such time until the entire amount of the assessment and interest shall be paid. Upon default of such payment at such times, the same penalty shall attach on the amount so payable as attaches to the nonpayment of other municipal taxes and may be collected together with the amount so due from the owner or owners of such property in the same manner as other city taxes and penalties are collected for municipal purposes; and such assessments and penalty shall be and remain a lien upon such property until the same, with the interest thereon, have been fully paid and satisfied. It shall be the duty of the city collector immediately

on default of payment in cash of the assessment upon said property at the time specified by the common council, to forthwith certify all unpaid assessments to the common council of the city and the common council shall thereupon declare all the assessments against the property to be due and unpaid and may direct the institution of a suit in equity to enforce the lien upon and collection of the total assessment in which suits the proceedings shall be as in other suits in equity to foreclose liens upon land and a copy duly certified of the collectors certificate and of the action of the common council thereon shall be prima facie evidence that all the steps necessary to create a lien on such property for such assessment have been duly and legally taken. And the common council or the court shall have power at any stage of the proceedings to correct or remedy any error or oversight therein, in order to validate and secure said lien. The annual assessments, penalties and interest and all portions thereof shall be paid to the city treasurer when collected and shall go in the sinking fund of the city and shall be, by the Sinking Fund Commissioners, applied as far as practicable to the payment or purchase of bonds issued in anticipation of their collection and the interest thereon as the same shall become due; but if impracticable, the same shall be invested as other funds of the sinking fund are required to be invested.

§ 2. The clerk of the city shall prepare and keep a book similar to the tax assessment book in which he shall enter the assessments made under this law with the names of the parties, the property assessed, with the amount and date of assessment, when due, and other appropriate data with reference thereto. When any assessment is paid the collector shall enter evidence of the same in the appropriate place in said book. Said book shall be a public record of the city.

§ 3. The liens for the work done under this law and the assessment herein provided for shall be superior to any and

all liens or encumbrances prior or subsequent, excepting only State, county and city taxes.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taking on said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John W. Holland	J. R. Paxton
Robert H. Akin	James R. Howell	William A. Perry
Eugene G. Asher	W. J. Jackson	Marion F. Pogue
A. V. Bertram	Green R. Keller	John A. Polin
Thos. M. Bertram	John G. Kelley	S. L. Robertson
E. Bishop	M. C. Kirk	S. H. Rogers
Hiram Brown	Charles H. Knight	W. A. Shawler
Wallace Brown	William J. Kuh	W. Scott Smith
C. W. Burton	James A. Leach	Adam Spahn
G. E. Carroll	J. Albert Leach	A. H. Stamper
George P. Chinn	F. A. Lochry	John G. Stoll
Henry Chunn	Hugh Mahin	Henry Thomas
W. Frank Cole	B. J. Matthews	C. B. Thompson
Sidney J. Collins	Emanuel Meyer	D. B. Thurman
Elkanah Dickey	Harry J. Meyers	Louis B. Tieman
G. L. Drury	S. F. Middleton	Yeaman Watkins
J. H. Elder	R. C. McClure	E. B. Wiley
John F. Fryer	Chas. D. McCrea	David W. Wiley
D. Clarence Gray	Ben F. Niles	J. H. Williams
T. J. Gregory	L. B. Owen	B. S. Wilson
Elwood Hamilton	Luther C. Owings	Edward L. Young
V. D. Hammond	W. F. Parker	—64

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 169. An act to amend Section One and Section Seven of an act entitled an act creating and regulating the office of County Treasurer, Session Acts, 1891-2-3, which became a law February 27, 1893, and the amendment to said act which was approved February 27, 1893, and the amendment to said act which became a law March 26, 1904.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act entitled "An act creating and regulating the office of County Treasurer," Session Acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act which was approved February 27, 1894, and the amendment to said act which became a law March 26, 1904, without the approval of the Governor, and being Section 929 of Article 6 of Chapter 34 of the Kentucky Statutes, be and the same is amended by striking out the words "one thousand eight hundred and ninety-three" in the third line of said section, and inserting in lieu thereof, the words "one thousand nine hundred and thirteen," and by striking out the words "two years" in the fourth line of said section and inserting in lieu thereof the words "four years," and by striking out the words "two years" in the ninteenth line of said section, and inserting in lieu thereof the words "four years," so that said section, when amended, shall read as follows:

"Said officer shall be appointed by the Fiscal Court of the county. Said appointment to be made on the first day of

the regular April term one thousand nine hundred and thirteen, of said court held for the county, and on said day every four years thereafter, a majority of said court being present, and a majority of all the members of said court shall be necessary to appoint; if, for any cause, said appointment is not made on that day, it shall be the duty of the county judge to call the members of said court together for that purpose, on a day to be fixed by order entered of record on the order book of the court, not exceeding two weeks thereafter. If, however, the regular term of court has expired on the day fixed, the county judge shall hold a special term of the Fiscal Court for the appointment of said treasurer. Copies of the order shall be delivered by the county clerk to the sheriff, who shall serve the same on each member of the court. No person shall be appointed county treasurer unless, at the time of his appointment, he is a citizen of Kentucky, has attained the age of twenty-five years, and has been for four years next preceding his appointment a resident of the county for which he is chosen. But no member of the Fiscal Court shall be appointed County Treasurer. He shall hold his office for the term of four years from the first day of the regular April term of the Fiscal Court at which he is appointed, and until his successor is appointed and qualified. Before entering upon his duties as such treasurer, he shall take the oath of office prescribed by Section 228 of the Constitution, before the Fiscal Court, and execute the bond hereinafter required to be executed by him. The Fiscal Court may remove said officer from office at any time for cause. In case of a vacancy in said office, from any cause whatever, it shall be the duty of the county judge to call the members of the Fiscal Court together, and hold a special term thereof to fill the vacancy. In case of a failure or refusal of the county judge to perform any of the duties herein required of him, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars, and on said fail-

ure or refusal of the county judge, any three of the members of said court may convene the court, elect one of their body to preside, and appoint a treasurer in the manner herein provided."

§ 2. That Section 7 of an act entitled "An act creating and regulating the office of County Treasurer," Session Acts 1891-2-3, which became a law February 27, 1893, and the amendment to said act, which was approved February 27, 1894, and the amendment thereto which became a law without the approval of the Governor, March 26, 1904, being Section 934 of Article 6 of Chapter 34 of the Kentucky Statutes, be and the same is amend by striking out all of the words of said section after the words "Provided, however," in the third line thereof and inserting in lieu thereof the following words: "That in counties containing a population of two hundred thousand or more the salary of the treasurer shall be thirty-six hundred dollars per annum to be allowed by the Fiscal Court," so that said section, when amended, shall read as follows:

"The treasurer shall receive for his services, as compensation, a salary not to exceed one thousand dollars per annum, to be fixed by the Fiscal Court; Provided, however, that in counties containing a population of two hundred thousand or more the salary of the treasurer shall be thirty-six hundred dollars per annum to be allowed by the Fiscal Court."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	T. J. Gregory	L. B. Owen
Robert H. Akin	Joe Hall	Luther C. Owings
Eugene G. Asher	John W. Holland	J. R. Paxton
J. M. Bean	R. Dillard Hunter	Marion F. Pogue
A. V. Bertram	W. J. Jackson	John A. Polin
E. Bishop	Green R. Keller	W. A. Price
John F. Brewer	John G. Kelley	S. L. Robertson
Hiram Brown	W. E. King	S. H. Rogers
Wallace Brown	M. C. Kirk	W. H. Shanks
C. W. Burton	Charles H. Knight	W. A. Shawler
G. E. Carroll	William J. Kuh	W. Scott Smith
George P. Chinn	James A. Leach	Adam Spahn
Henry Chunn	F. A. Lochry	A. H. Stamper
Sidney G. Clay	Hugh Mahin	Henry Thomas
Sidney J. Collins	Emanuel Meyer	C. B. Thompson
Elkanah Dickey	Harry J. Meyers	E. B. Wiley
G. L. Drury	R. C. McClure	J. H. Williams
Ben F. Egleston	Chas. D. McCrea	B. S. Wilson
John F. Fryer	C. B. Nichols	Charles Yancy
D. Clarence Gray	Ben F. Niles	Edward L. Young

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 356. An act for the benefit of the Western Kentucky State Normal School and authorizing the Board of Regents for Normal School District No. 2, to hold the title of certain real estate and sell and convey the same and to borrow money and mortgage said real estate to secure such indebtedness.

Said bill reads as follows, viz.:

Whereas, there was conveyed to the Commonwealth of Kentucky for the use of the Western Kentucky State Normal School, of Bowling Green, Kentucky, a tract of land by B. F. Cabell and wife, another by E. R. Bagby and wife, another by James D. Hines and wife, another from Pleasant J. Potter College, another from Martha J. Lewis, another from George Wallace Loving, et al., another from Lon D. Hanes and wife, another from J. L. Kollorohs and wife, another from I. D. McGoodwin and wife, another from M. H. Crump and wife, another from Carry B. Mitchell, another from B. F. Proctor and wife, another from Daniel McElwain and wife, by deeds all of which are now of record in the clerk's office of the County Court of Warran County, Kentucky; and whereas, said lands have been improved and valuable buildings have been erected on said lands for the use of said school, and whereas, the cost of said buildings and the improvement exceeded the funds in the hands of the Board of Regents of said school, and whereas, the Commonwealth of Kentucky has not sufficient money in the treasury to meet said deficit at the present time, and whereas, said debt is due laborers and materialmen who are not able to wait for payment of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title to all of said real estate, all of which is situated in Warran County, Kentucky, be and the same is transferred to and vested in the corporation known as "The Board of Regents for Normal School District No. 2;" and that said Board of Regents be and it is hereby empowered to sell and convey such part or parts of the said real estate now owned as in its judgment is not necessary to the welfare of said school. Provided, that no conveyances being provided for shall become effective until approved by

the Board of Sinking Fund Commissioners, which approval shall be endorsed upon said conveyance, and provided, further, that all funds realized from any sale authorized herein shall be applied to the payment of the indebtedness as exists against said Western Normal School.

And it is also authorized and empowered to borrow a sum of money sufficient to meet and pay said deficit or debt arising by reason of the erection of said building and improvements and otherwise, and to execute its notes or bonds for the amount or amounts so borrowed and to secure the payment of such notes or bonds, said board is hereby authorized and empowered to execute a mortgage upon any or all of said real estate; and is further authorized and empowered to borrow said money upon such time or terms as it may deem best for said school, but the rate of interest paid upon any such loans shall not exceed six per cent per annum, which interest shall be paid as the same falls due by the Commonwealth of Kentucky.

The chairman and secretary of said Board of Regents shall draw their warrants for said interest installments as they fall due on the Auditor of Public Accounts, payable to the treasurer of said school, and upon receipt of said draft by the Auditor, he shall draw his warrant for the proper amount upon the treasurer of the State. The money authorized to be paid out of the State Treasury by this act shall be paid out of the general funds not otherwise appropriated.

Inasmuch as the above mentioned deficit or debt is chiefly due to laborers and materialmen who have furnished labor and materials in the improvement of the property of the State of Kentucky, and as their claims are long since past due, therefore, an emergency is declared to exist and

this act shall take effect and be in force from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl
Robt. H. Akin
Eugene G. Asher
P. L. Atherton
J. M. Bean
A. V. Bertram
E. Bishop
John F. Brewer
Hiram Brown
Wallace Brown
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Sidney J. Collins
Elkanah Dickey
F. B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John F. Fryer
Joe Hall
V. D. Hammond
A. B. Hatton
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
W. J. Jackson
Green R. Keller
John G. Kelley
W. E. King
M. C. Kirk
Charles H. Knight
William J. Kuh
James A. Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
Chas. D. McCrea
W. N. McCubbin
C. B. Nichols
Ben F. Niles
L. B. Owen
Luther C. Owings
William A. Perry
W. V. Perry
Marion F. Pogue
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
W. H. Shanks
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
C. B. Thompson
D. B. Thurman
Yeaman Watkins
E. B. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—70

Those who voted in the negative were—

D. Clarence Gray

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 194. An act to further regulate the assessment of fire insurance companies.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any co-operative or mutual assessment fire insurance company incorporated under the laws of this State and doing an insurance business under the articles of incorporation issued to them by the Insurance Commissioner or hereafter organized under the law, may by a majority vote of the membership of the company or by a majority vote of the directors at any regular meeting of the same, change the limit of the territory in which they are incorporated to do business, to so few or as many counties of Kentucky as they may see fit to include in their territory and the change of territory in which they may do business shall be effective upon filing a proper certificate of such action of the members or Board of Directors with the Insurance Commissioner of Kentucky together with the fee required by law.

§ 2. It shall be lawful for mutual or co-operative fire insurance companies to cover losses due to the explosion of artificial or natural gas, whether fire ensues or not.

§ 3. All acts and parts of acts in conflict herewith are repealed to the extent of any such conflict.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	A. B. Hatton	J. R. Paxton
Robt. H. Akin	A. B. Holland	William A. Perry
Eugene G. Asher	John W. Holland	Marion F. Pogue
P. L. Atherton	W. J. Jackson	John A. Polin
J. M. Bean	Green R. Keller	W. A. Price
E. Bishop	John G. Kelley	S. L. Robertson
Wallace Brown	W. E. King	S. H. Rogers
C. W. Burton	M. C. Kirk	W. A. Shawler
G. E. Carroll	James A. Leach	W. Scott Smith
George P. Chinn	F. A. Lochry	Adam Spahn
Henry Chunn	Hugh Mahin	A. H. Stamper
Sidney G. Clay	Emanuel Meyer	John G. Stoll
W. Frank Cole	Harry J. Meyers	Henry Thomas
Sidney J. Collins	S. F. Middleton	C. B. Thompson
Francis B. Douglas	R. C. McClure	D. B. Thurman
Ben F. Egleston	Chas. D. McCrea	Yeaman Watkins
J. H. Elder	W. N. McCubbin	E. B. Wiley
John M. Farra	C. B. Nichols	J. H. Williams
John F. Fryer	Ben F. Niles	Charles Yancy
D. Clarence Gray	L. B. Owen	Edward L. Young
Joe Hall	W. F. Parker	—62

Those who voted in the negative were—

James R. Howell

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 17. An act amending an act relative to revenue and taxation.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act relating to revenue and taxation," and approved March 15, 1906, be, and the same is hereby amended by striking out section one of subdivision one of article fifteen of said act, same being Section 4239, Kentucky Statutes, Carroll's 1909 edition, and inserting in lieu thereof the following, viz.:

"Section 4239. The county clerk shall after the examination and approval of the tax book by the board of supervisors, test the accuracy of the extensions and additions of same, and make additions of each column on blanks to be furnished by the Auditor, the footings of each page to show the aggregate amount, value and number of each column in said tax book, and record said recapitulation sheet or sheets in said tax book with his official certificate attached, and see that said extensions additions, footings, and recapitulations are correct."

Section 4239a. He shall annually make out for the use of the sheriff or collector a book of tax bills and stubs. Said

book shall contain a correct tax bill and stub for each taxpayer in the county who has been listed by the assessor, board of supervisors of tax for the county, or by the county court clerk, and whose tithes and taxable property has been supervised by the board of supervisors of tax for the county and equalized by the State Board of Equalization of Taxes. Each tax bill and stub shall show the rate of tax upon each one hundred dollars worth of property for State, county and county school purposes, the name of the tax payer; the number of acres of farm land, if any, and value; number of lots, if any, and value; notes and money, if any; value of mixed personal property, if any; county poll, if any; county school pole, if any; county school tax, if any; dog tax, if any; exemptions, if any; and the total amount of taxes due the State, county and county school fund and other levies. The county court clerk shall attest each tax bill and stub by signing same officially and all lines on each tax bill and stub not used in giving a description of the property of the taxpayer shall be perforated with a punch by the county court clerk, so that the sheriff or collector may know that the tax bill includes a list of all taxes due by said taxpayer. The said tax bills and stubs shall be delivered to the sheriff or collector by the county court clerk in a book form, and consecutively numbered, the number of each stub being the same as the tax bill to which it is attached, and arranged alphabetically by cities and magisterial districts within thirty days after the Auditor of Public Accounts has certified the tax rate of the State and the valuation fixed by the State Board of Equalization upon the property of the county for tax purposes and shall take a receipt from the sheriff showing the number of tax bills and each additional line, the total amount of tax due the State, county, and county school fund from all the tax bills in said book; said receipt shall be signed and acknowledged by the sheriff or collector before the county court clerk and filed before the county court and recorded in the order book of the

county court in the same way and manner as now required by law in recording the official bond of the sheriff. The original tax bill herein provided for shall be delivered by the sheriff to the taxpayer when said taxpayer has paid his tax in full.

Section 4239b. The county court clerk shall make out for the use of the sheriff or collector a tax bill in triplicate form for each taxpayer who is due the State, county or county school fund, omitted taxes, either upon dogs, polls or property; and whether listed by the county court clerk, or caused to be listed by the sheriff or a county or State revenue agent before a court of competent jurisdiction. Each omitted tax bill in triplicate shall have the words "Omitted property" printed upon the face of the stub, duplicate, and original and over the words of "Omitted property" shall be printed in faint letters the words "stub," "duplicate" and "original" respectively upon the stub, duplicate and original of each omitted tax bill. Each omitted tax bill shall be consecutively numbered and the stub and duplicate shall have the same number as the original tax bill to which they are attached. And each omitted tax bill shall be in the same form and attested and perforated by the county court clerk in the same way and manner as the tax bill described in Section 4239a of this act. The county court clerk shall deliver the duplicate and original of each omitted tax bill to the sheriff or collector as soon as said omitted dog, poll, or property has been listed before him or a judgment rendered listing said poll, dog, or property for taxation by a court of competent jurisdiction. The sheriff or collector shall deliver the original omitted tax bill to the taxpayer, when said taxpayer pays his tax and no other receipt or tax bill shall hereafter be evidence that the taxpayer has paid his omitted tax except the original omitted tax bill herein provided for; and the sheriff shall retain the duplicate in his office for his benefit in keeping account of

taxes collected on the omitted assessments. The county court clerk shall keep the stub of each omitted tax bill in his office as a public record and in making a tax charge against the sheriff or collector on omitted assessments he shall be governed by said stubs.

Section 4239c. He shall by the first of March transmit by mail or otherwise to the Auditor of Public Accounts a certified copy of said recapitulation sheet or sheets, showing the aggregate amount or enumerated property as shown by the tax book, whether the same be assessed for taxation or statistics.

Section 4239d. For making out said tax bills the clerk shall be allowed the sum of five cents for each bill so made out for the sheriff or collector, and two cents a line for each additional line in describing property after the first line giving description of property on said bills. For making said recapitulation sheets and recording same in the tax book he shall be allowed five cents a line for each line across the page, including the last total value. For making out said tax bill for the sheriff in cases of omitted assessment, the clerk shall be allowed the sum of fifty cents for each tax bill, and two cents for each additional line in describing property after the first line giving description of property.

Section 4239e. The clerk shall present his account to the county court, verified by his affidavit, together with his receipt from the sheriff for tax bills, and his receipt from the Auditor for said recapitulation sheets, and if found correct, the court shall allow same, and order one-half of same paid out of the county levy, and the other one-half of same out of the State treasury, and the clerk shall certify same to the Auditor who shall draw his warrant on the treasurer in favor of said clerk for the State's one-half.

Section 4239f. The sheriff in reporting the names of the delinquents, shall also file with the fiscal court, all the tax bills in his possession against such delinquents, and also the stubs of the tax bills collected by him, and said court shall order said tax stubs into the custody of the county clerk as public records, and the delinquent tax bills, and they shall make disposition of said delinquent tax bill as they see proper and best for the interest of the county and State, after they have given the sheriff due credit with same, in his final settlement.

Section 4239g. All the tax bills and stubs for assessed and equalized property, mentioned in this act, shall be uniform throughout the State, and the forms shall be prepared and furnished by the Auditor of Public Accounts to the county court clerks of each county in the State on or before the first day of February of each year, in loose leaf form, to be paid for by the State. The number of forms of tax bills and stubs furnished to each county shall be equivalent to ten per cent more, than the whole number of taxpayers, certified to the Auditor of Public Accounts, for the previous year by the county court clerk for that county, and shall in substance be as follows, viz.:

No..... **STUB**

Due by ..... of the .....District of ..... County, for State, County, County School, and other levies, for taxes for the year 1913, on the following described property, viz.:

Acres of Land	Value	Town Lots	Value	Notes & Mon.	Mixed Per.	Exempt			Total					
.....	.....	.....	.....	.....	.....	...	...	...	...	...	...	...	...	...
.....	.....	.....	.....	.....	.....	...	...	...	...	...	...	...	...	...
.....	.....	.....	.....	.....	.....	...	...	...	...	...	...	...	...	...
.....	.....	.....	.....	.....	.....	...	...	...	...	...	...	...	...	...
.....	.....	.....	.....	.....	.....	...	...	...	...	...	...	...	...	...
					Total valuation				...	...	...	...	...	...

State tax rate on each $100	...	...	...	...	...	...	...	...
County tax rate on each $100	...	...	...	...	...	...	...	...
School tax rate on each $100	...	...	...	...	...	...	...	...
County poll tax	...	...	...	...	...	...	...	...
County School poll tax	...	...	...	...	...	...	...	...
Dog tax	...	...	...	...	...	...	...	...
Other levies on each $100	...	...	...	...	...	...	...	...
Total tax	...	...	...	...	...	...	...	...
Attest ..... Clerk.								
To 6 per cent penalty after December 1st.	...	...	...	...	...	...	...	...
To 6 per cent interest after December 1st.	...	...	...	...	...	...	...	...
To sheriffs cost in real estate sales	...	...	...	...	...	...	...	...
To other cost	...	...	...	...	...	...	...	...
Less Exonerations by county court on...	...	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...	...

Received payment in full this the ..... day of .....1913.

.....Sheriff.

ORIGINAL

(Same as above set out.)

All the tax bills, duplicates and stubs for omitted dogs, polls and property mentioned in this act shall be uniform throughout the State, and the forms shall be prepared and furnished by the Auditor of Public Accounts to the county court clerks of each county in the State, in book form on or before the first day of February of each year, to be paid for by the State. The number of forms of omitted tax bills, duplicates and stubs to be furnished to each county in said book shall be equivalent to one per cent of the forms furnished to said county for listed and equalized property for that year; and said forms shall in substance be as follows, viz.:

No.....

STUB

OMITTED PROPERTY

Due by ..... of the .....District of ..... County, for State, County, County School, and other levies, for taxes for the year 1913, on the following described property, viz.:

Acres of Land	Value	Town Lots	Value	Notes & Mon.	Mixed	Exempt	Total
.....	.....	.....	.....	.....	.....	...	...
.....	.....	.....	.....	.....	.....	...	...
.....	.....	.....	.....	.....	.....	...	...
.....	.....	.....	.....	.....	.....	...	...
.....	.....	.....	.....	.....	.....	...	...
					Total valuation	...	...

State tax rate on each $100	...	...	...	...	...	...	...
County tax rate on each $100	...	...	...	...	...	...	...
School tax rate on each $100	...	...	...	...	...	...	...
County poll tax	...	...	...	...	...	...	...
County School poll tax	...	...	...	...	...	...	...
Dog tax	...	...	...	...	...	...	...
Other levies on each $100	...	...	...	...	...	...	...
To 20 per cent penalty.....	...	...	...	...	...	...	...
To courts cost	...	...	...	...	...	...	...
Total tax	...	...	...	...	...	...	...
Attest . ..... Clerk.							
To 6 per cent penalty after December 1st.	...	...	...	...	...	...	...
To 6 per cent interest after December 1st.	...	...	...	...	...	...	...
To sheriffs cost in real estate sales	...	...	...	...	...	...	...
To other cost	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...

Received payment in full this the ..... day of .....1913.

.....Sheriff.

DUPLICATE

OMITTED PROPERTY

(Same as above set out.)

ORIGINAL

OMITTED PROPERTY

(Same as above set out.)

Section 4239h. The county court clerk after receiving the forms of the tax bills and stubs for listed property, shall fill out one for each taxpayer, whose tithes and taxable propery has been listed, supervised and equalized for that year, and bind same in a book arranged by city and magisterial districts according to Section 4239a of this act, which binding of said book shall be paid for out of the county levy; and all forms of tax bills and stubs not used in making said tax bill book for that year shall be destroyed in the presence of the county court at its first session after said book is bound and said fact noted of record in the order book of the county court.

All the tax bills, duplicates and stubs for omitted dogs, polls, and property, furnished to the county court clerk in book form by the Auditor of Public Accounts, and not filled out and furnished to the sheriff as provided for in Section 4239b of this act, shall be retained in the office of the county court clerk until the Auditor of Public Accounts, sends to the county court clerk, the book of forms for tax bills, duplicates and stubs for omitted dogs, polls and property for the subsequent year, when all the remaining unused forms of tax bills, duplicates and stubs in the book for the previous year shall be perforated in the presence of the county court, by the county court clerk, so they cannot be used and this

fact noted of record in the order book of the county court and said omitted tax book retained in office of county clerk as a public record.

Section 4239i. All acts and parts of acts in conflict with this act are hereby repealed.

Section 4239j. Whereas, it is considered that this act will save the State of Kentucky and each county thereof much money in taxes on omitted polls, dogs and property, an emergency is hereby declared to exist, and this act shall go into effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Henry Chunn	T. J. Gregory
Robert H. Akin	Sidney G. Clay	Joe Hall
Eugene G. Asher	Sidney J. Collins	Elwood Hamilton
P. L. Atherton	Elkanah Dickey	A. B. Hatton
E. Bishop	G. L. Drury	L. B. Herrington
John F. Brewer	Ben F. Egleston	A. B. Holland
Hiram Brown	J. H. Elder	R. Dillard Hunter
Wallace Brown	Eli Farmer	John G. Kelley
G. E. Carroll	John M. Farra	M. C. Kirk
George P. Chinn	D. Clarence Gray	William J. Kuh

James A. Leach	L. B. Owen	W. Scott Smith
F. A. Lochry	Luther C. Owings	Adam Spahn
Emanuel Meyer	W. F. Parker	John G. Stoll
Harry J. Meyers	J. R. Paxton	Henry Thomas
S. F. Middleton	William A. Perry	C. B. Thompson
R. C. McClure	Marion F. Pogue	D. B. Thurman
Charles D. McCrea	John A. Polin	Yeaman Watkins
W. N. McCubbin	W. A. Price	J. H. Williams
C. B. Nichols	S. L. Robertson	Charles Yancy
Ben E. Niles	W. A. Shawler	Edward L. Young

—60

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 26. An act to amend an act entitled an act to amend Sections 124 and 125 of an act entitled an act for the government of cities of the first class, approved July 1, 1893, approved March 21, 1902.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections one hundred and twenty-four and one hundred and twenty-five of an act entitled, "An act for the government of cities of the first class, approved July first, one thousand eight hundred and ninety-three," and as amended by an act entitled, "An act to amend Sections one hundred and twenty-four and one hundred and twenty-five of an act entitled, 'An act for the government of cities of the first class, approved July first, one thousand eight hundred and ninety-three,' approved March twenty-first, one thousand nine hundred and two," which reads as follows:

"Section 124. There shall be appointed by the Mayor immediately after the expiration of the term of office of the present city attorney in cities of the first class, a city attorney whose duty it shall be to give legal advice to the Mayor, members of the General Council, and all other officers and boards of the city, in the discharge of their official duties, and if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for, and defend all suits against the city, and to attend to such other legal business as may be prescribed by the General Council. He shall be appointed by the Mayor for a term of four years and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments, and an appointment of a city attorney shall be made by the Mayor for a like term every four years after the first appointment."

"Section 125. At the same time at which a city attorney is appointed in accordance with the preceding section, there shall be appointed by the Mayor for a term of four years, a first assistant city attorney and a second assistant city attorney, who shall be licensed practicing attorneys at law, and shall discharge such duties as may be required of them by the city attorney or prescribed by the General Council and Mayor in the preparation, prosecution and defense of all legal business of the city. The first assistant city attorney may receive a salary not to exceed three thousand dollars per annum and the second assistant city attorney may receive a salary not to exceed two thousand five hundred dollars per annum, which salaries shall be payable in monthly installments and such assistant city attorneys shall be appointed by the Mayor every four years after the first appointment herein provided for."

Be amended so that said sections shall, when so amended, read as follows:

"Section 124. There shall be appointed by the Mayor immediately after the expiration of the term of office of the present city attorney in cities of the first class, a city attorney whose duty it shall be to give legal advice to the Mayor, members of the General Council, and all other officers and boards of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for, and defend all suits against the city and to attend to such other legal business as may be prescribed by the General Council. He shall be a licensed practicing attorney at law of eight years practice and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments. He shall be appointed by the Mayor for a term of one year and immediately after the expiration of his term of office an appointment of a city attorney shall be made by the Mayor for a term of four years; and an appointment of a city attorney shall be made by the Mayor for a like term every four years after said first appointment of a city attorney for a term of four years."

"Section 125. At the time at which a city attorney is appointed in accordance with the preceding section, there shall be appointed by the Mayor for a term of one year, a first assistant city attorney and a second assistant city attorney who shall be licensed practicing attorneys at law of five years practice and shall discharge such duties as may be required of them by the city attorney, or prescribed by the General Council and Mayor in the preparation, prosecution and defense of all legal business of the city. Immediately after the expiration of their term of office there shall be appointed by the Mayor a first assistant city attorney and a second as-

sistant city attorney for a term of four years; and an appointment of a first assistant city attorney and a second assistant city attorney shall be made by the Mayor for a like term every four years after said first appointment of said first assistant city attorney and said second assistant city attorney for a term of four years.

"The first assistant city attorney may receive a salary not to exceed three thousand dollars per annum, and the second assistant city attorney may receive a salary not to exceed two thousand five hundred dollars per annum, which salaries shall be payable in monthly installments.

§ 2. This act shall take effect from and after its passage and shall not apply to the present city attorney and first assistant city attorney and the second assistant city attorney in cities of the first class during their present terms of office and their powers and duties shall remain, during that period, as now provided by law.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	J. M. Bean	E. Bishop
Robert H. Akin	A. V. Bertram	H. C. Blades
P. L. Atherton	Thos. M. Bertram	John F. Brewer

Wallace Brown	Elwood Hamilton	A. W. Palmer
C. W. Burton	V. D. Hammond	W. F. Parker
G. E. Carroll	A. B. Hatton	J. R. Paxton
George P. Chinn	A. B. Holland	William A. Perry
Henry Chunn	W. J. Jackson	W. A. Price
W. Frank Cole	John G. Kelley	S. L. Robertson
Sidney J. Collins	M. C. Kirk	S. H. Rogers
Elkanah Dickey	William J. Kuh	Robt. H. Scott
Francis B. Douglas	James A. Leach	W. H. Shanks
G. L. Drury	J. Albert Leach	W. A. Shawler
Ben F. Egleston	F. A. Lochry	W. Scott Smith
J. H. Elder	Harry J. Meyers	Adam Spahn
Eli Farmer	S. F. Middleton	John G. Stoll
John M. Farra	R. C. McClure	C. B. Thompson
John F. Fryer	Charles D. McCrea	Yeaman Watkins
D. Clarence Gray	W. N. McCubbin	J. H. Williams
T. J. Gregory	L. B. Owen	Edward L. Young
Joe Hall	Luther C. Owings	—61

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 37. An act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes, Carroll's edition.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3643, Chapter 89, Kentucky Statutes (Carroll), be repealed and the following substituted therefor:

§ 1. The city council is hereby authorized and empowered to order any work they may deem necessary to be

done upon the sidewalks, curbing, sewer, streets, avenues, highways, and public places of such city. The expenses incurred in making and repairing sidewalks and curbing shall be paid by the owners of the lands, fronting and abutting thereon, each lot or portion of lot being separately assessed for the full value thereof, in proportion to the frontage thereof to the entire length of the whole improvement, not exceeding a square, sufficient to cover the total expense of the work; but the owners of such property shall have the right to make such improvements, if they prefer doing so, instead of paying for the same. The cost and expenses incurred in constructing or re-constructing streets, avenues, highways, sewers and public places shall be paid out of a general fund of the city or by the owners of the land fronting and abutting thereon, as the city council may in each case determine; or the city council may order and direct that two-thirds only of said cost and expenses so incurred shall be paid by the owners of the lands fronting and abutting said improvements and the other one-third paid by the city; but the local assessments shall not exceed fifty per centum of the value of the ground after such improvement is made excluding the value of the buildings and other improvements upon the property so improved.

The cost of constructing or reconstructing the intersection or crossing of streets, avenues and highways shall be at the expense of the city.

Each subdivision or territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares on either or both sides by principal streets, the ordinance providing for the improvement for such public ways shall be the depth on the side or sides not defined in the square fronting said improvement, to be assessed for the cost of making the same, according to the number of square feet owned by the parties, respectively, within the depth set out by ordinance.

§ 2. Whenever the city council shall determine upon the construction or reconstruction of streets, avenues, highways, sewers and public places at the expense or partial expense of the abutting property, as provided in section one of this Act they shall cause the same to be done as follows:

The ordering of such improvement shall be by ordinance of the city council, and the contract therefor shall be awarded to the lowest and best bidder after proper advertisement for bids. The city council shall require the accepted bidder to execute a bond to the city with good and sufficient security to be approved by said council for the faithful performance of his contract.

§ 3. The original construction or reconstruction of any streets, avenues, highways, alleys, sewers and public places may be made at the exclusive cost of the owners of the lots and parts of lots or lands fronting or abutting or bordering upon the proposed improvements to be equally apportioned by the city council according to the number of front feet owned by them respectfully, or in part at the cost of the owners and in part at the cost of the city, upon the petition of a majority of the property owners of lots or parts of lots, or land abutting or bordering upon the proposed improvement; or the city council may cause same to be done without such petition upon the vote of four members elect of said council at a regular meeting thereof; or the council may, by a majority vote of any regular meeting thereof cause any such improvements to be made upon the ten year bond plan as hereinafter provided.

§ 4. But any work undertaken under the provision of the preceding section to-wit: Upon the ten year bond plan is completed in accordance with the contract, the work shall be received by the city council and the said council shall

order the payment for the same made to the contractor by issuing an order to the city treasurer to pay same in full out "The Street Improvement Fund."

§ 5. Whenever any work done hereunder (upon the ten year bond plan) has been completed and accepted, the city council shall issue the bonds of the city, in sums not to exceed the cost of said improvement, and all expenses in connection therewith, including the expenses and the issual and sale of said bonds, and shall sell the same to the highest bidder after due advertisement at a price not less than par and accrued interest. Said bonds shall be divided into ten series each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of one hundred dollars or multiple thereof not exceeding five hundred dollars, and shall bear interest at a rate not to exceed six per cent per annum, and shall be payable at a Kentucky bank to be designated by the city council.

§ 6. All moneys arising from the sale of bonds provided for herein shall be kept by the city treasurer in a separate fund to be known as the "Street Improvement Fund" and the treasurer shall pay out of the said funds all orders which the city council shall direct paid for any street improvement provided for herein; and shall keep all money accruing or arising under the provisions thereof in the same manner and subject to all the regulations regarding other money of the city, except that he shall keep a separate account of the same, and credit all interest arising therefrom to said "Street Improvement Fund;" and said city treasurer shall be responsible under his official bond as city treasurer, for the money accruing and received by him hereunder, and for the faithful performance of the duties herein required of him.

§ 7. The cost of any improvement made hereunder shall be assessed equally by the front feet upon the property fronting or abutting, or bordering upon said improvement.

All property fronting or abutting or bordering upon said improvement belonging to the city shall be considered and assessed as property belonging to individuals, and the assessment thereon together with the cost of intersections and crossings shall be paid by the city out of the general fund, and charged to the "Street Improvement Fund." The assessment shall be made as soon as the improvement fund is fully completed, and the sum assessed against each piece of property, and also the owners thereof, shall be placed upon the tax list of the city, and shall be payable to the city treasurer, in ten equal, annual installments with interest at the rate per annum which said bonds bear upon the unpaid portion thereof.

The first installment, together with the interest on the whole amount at said rate per centum per annum, shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax list, and the other installments annually thereafter, and always at the time of the payment of the other city taxes with interest at said rate on the installments not due at the time until all the installments are paid.

The assessments may be collected like other taxes, or the city may at any time after the installment remains delinquent for thirty days, by suit in equity, enforce its lien with all the unpaid installments, with interest at the said rate thereon to date of satisfaction thereof and its costs expended.

§ 8. The city treasurer shall not be entitled to receive any compensation whatever for his services in collecting

taxes provided for herein, nor for any other services performed hereunder unless the city council see proper by ordinance to make him a specific allowance therefor, which shall be done by the votes of two-thirds of the members elect of said council.

§ 9. The assessments herein provided for under the provisions hereof, together with the interest accruing thereon, shall be a lien upon the property fronting or abutting or bordering upon the streets or improvement, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens; and said liens shall not be defeated or postponed by any judicial sale, or by any mistake in the description of the property or in the name or names of the owners thereof.

§ 10. The owner or owners of lots or parts of lots of land, may at any time after the assessment for a street improvement is made, pay off in full the whole amount up to and including the next ensuing date provided for the payment of said city taxes, and the lien herein established shall be satisfied by such payment if any owner or owners shall divide his property so that the number of feet fronting the improvement is separated in small lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon, or the lien may be apportioned to the new owners by the city clerk calculated by the rate of the feet front of such lot or lots or parcels to the front foot of the original tract.

§ 11. All money received from the assessment herein provided for shall be apportioned, upon the order of the city council or upon the order of the city treasurer, to the payment

of the interest and to the redemption of the bonds which may be issued for the improvement herein provided for.

§ 12. If it shall be necessary to raise an amount of money for said "Street Improvement Fund," which would create an indebtedness greater than the amount which could be met by the levy authorized by law, the city council shall cause the question of such issue and sale of bonds to be submitted to the qualified voters of said city at an election to be held for said purpose, as provided for in Section 3637, Subsection 3, of the Kentucky Statutes. If upon the canvass of the votes cast at said election, it shall appear that two-thirds of those voting upon said question at said election have voted in favor of the issue and sale of said bonds, it shall be the duty of said council to pass an ordinance providing therefor.

§ 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	A. V. Bertram	Wallace Brown
Robt. H. Akin	Thos. M. Bertram	C. W. Burton
Eugene G. Asher	E. Bishop	G. E. Carroll
J. M. Bean	Hiram Brown	George P. Chinn

Henry Chunn	W. E. King	W. A. Price
W. Frank Cole	Charles H. Knight	Stanley F. Reed
Sidney J. Collins	William J. Kuh	S. H. Rogers
Elkanah Dickey	James A. Leach	Robt. H. Scott
F. B. Douglas	J. Albert Leach	W. H. Shanks
G. L. Drury	F. A. Lochry	W. A. Shawler
Ben F. Egleston	Hugh Mahin	W. Scott Smith
J. H. Elder	B. J. Matthews	Adam Spahn
John M. Farra	Emanuel Meyer	A. H. Stamper
John F. Fryer	Harry J. Meyers	John G. Stoll
D. Clarence Gray	R. C. McClure	Henry Thomas
Elwood Hamilton	Chas. D. McCrea	C. B. Thompson
V. D. Hammond	W. N. McCubbin	D. B. Thurman
A. B. Hatton	L. B. Owen	Louis B. Tieman
L. B. Herrington	Luther C. Owings	Yeaman Watkins
A. B. Holland	A. W. Palmer	E. B. Wiley
John W. Holland	W. F. Parker	J. H. Williams
James R. Howell	J. R. Paxton	B. S. Wilson
R. Dillard Hunter	William A. Perry	Charles Yancy
Green R. Keller	W. V. Perry	Edward L. Young
John G. Kelley	John A. Polin	—74

Those who voted in the negative were—

T. J. Gregory W. J. Jackson —2

Resolved that the title thereof be as aforesaid.

A message was received from the Governor announcing that he had approved and signed enrolled bills which originated in the House of Representatives of the following titles, viz.:

H. B. 225. "An Act for the benefit of three State Educational Institutions, viz.: State University, Lexington, Kentucky, Eastern Kentucky State Normal School and Western Ketnucky State Normal School, appropriating money for furnishing necessary equipment and for expansion of work;

and also providing additional revenue for the maintenance of said institutions and preventing the creating of obligations for said institutions where there is no money in the treasury and none appropriated for the purpose for which said obligations were made."

H. B. 79. "An Act to enable counties or parts of counties to erect and furnish schoolhouses and to provide the money therefor by the issuance of bonds."

H. B. 19. "An Act creating the Thirty-fifth Judicial District of Kentucky."

H. B. 24. "An Act to create the Thirty-sixth Judicial District of Kentucky, to change the Fourteenth Judicial District, and to provide for the holding of courts in the said Thirty-sixth Judicial District, relating to the Commonwealth's Attorney and appointment and election of a Circuit Judge."

H. B. 38. "An Act to amend Section Three Thousand Seven Hundred and Eighty-three, Kentucky Statutes, relating to the salaries of patrols of counties having a population of over one hundred and fifty thousand inhabitants."

H. B. 92. "An Act for the benefit of the Department of Agriculture, Labor and Statistics, appropriating money thereto and enlarging the powers thereof."

H. B. 80. "An Act to benefit the Agricultural Experiment Station of the State University, Lexington, Kentucky, appropriating money and providing revenues for the maintenance of said Experiment Station, and for conducting experiments in the various lines of agriculture, and to meet the increased demands made upon it as a public institution."

A message was received from the Senate announcing that the Senate had refused to concur in an amendment proposed by the House of Representatives to a bill which originated in the Senate entitled,

S. B. 322. An Act to provide for the repair of the old Capitol square and the buildings thereon and the use of same and appropriating money therefor.

That they had appointed a Committee to act in conjunction with a like Committee of the House, the two constituting a Committee of Conference to take into consideration the matters of disagreement between the two Houses relative to said bill.

Mr. Keller moved that said request be granted and that the Speaker appoint said Committee.

Said motion was agred to.

Thereupon the Speaker named as conferees on the part of the House Messrs. Keller, Hamilton and Wilson.

Mr. Clay offered the following resolution, viz.:

Whereas, the time of third session is growing rapidly to a close and the call of absentees in the roll call hampers the procedure and tries the patience of this House, Be it

Resolved that if after the roll call enough votes have been cast to pass or defeat a bill, the Clerk be and is hereby instructed not to call the absentees.

Said resolution was adopted.

The House took up for consideartion from the Orders of the Day a bill entitled,

S. B. 57. An Act to regulate and control the conduct and use of gasoline, electric and steam propelled passenger, delivery and freight automobiles, locomobiles, machines and cars and to protect and safeguard the public, and the general and public use of the public thoroughfares, to provide for the competency of certain evidence at the trial of offenses, and to provide a penalty for the violation thereof.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the short title of this act shall be "The Motor Utility Vehicle Law." Whenever the term "motor vehicle" is used in this act, it shall be construed to mean and to include any gasoline, electric and steam propelled passenger, delivery and freight automobile, locomobile, machine and car and any and all other vehicles propelled otherwise than by muscular power, except motor bicycles, traction engines and road rollers, the cars of electric and steam railways and other vehicles as are drawn by animal power or propelled exclusively by muscular pedal power.

§ 2. The word "public thoroughfare" in this act shall be construed to mean and to include all roads, turnpikes, highways, lanes, parks, parkways, streets, boulevards, avenues, alleys and any and all other causeways traveled or used by the public generally, either temporarily or permanently.

§ 3. Every owner of a "motor vehicle" which shall be operated in this State shall, except as otherwise provided in

this act, within ten days after becoming the owner of such vehicle, file in the office of the Secretary of State, an application, properly sworn to, setting forth his or her name and address, with a full description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, stated in figures of horsepower on a blank to be prepared and furnished by the Secretary of State for such purpose, and shall pay to the said Secretary of State a registration fee of five dollars on all "motor vehicles" of a power less than twenty-five horsepower, and ten dollars on all "motor vehicles" of a power equal to or greater than twenty-five horsepower and less than fifty horsepower and twenty dollars on all "motor vehicles" of a power equal to or greater than fifty horsepower. Said registration shall be made on the date the application is received and filed by the Secretary of State, and shall expire one year thereafter. Upon the filing in the office of the Secretary of State of said application, as hereinbefore provided, the Secretary of State, or his duly authorized agent, shall, without further fee, assign to such "motor vehicle" as described in such application, a distinctive number and shall issue to the owner of such "motor vehicle," as is described in the application filed, a certificate of registration, which certificate shall be in the form of a card which may be carried in the pocket, and which certificate shall contain the distinctive number so assigned to such "motor vehicle," the name address of the owner, a brief description of such "motor vehicle" stating the name of the manufacturer, the motor power and the amount of such motor power stated in figures of horsepower.

The Secretary of State shall also issue to the owners of such "motor vehicle" a seal of aluminum or other suitable metal, which shall be circular in form and not less than two inches in diameter, having stamped thereon the words,

"Registered Motor Vehicle No....., Ky.," thereafter at all times to be affixed to the "motor vehicle" to which such number has been assigned. Duplicate certificates of registration shall be issued upon the payment of a fee of fifty cents and the filing in the office of the Secretary of State, an affidavit to the effect that the original certificate registration was lost, stolen or destroyed.

The Secretary of State shall cause the full name of such owner with his full address, registration number and date of the filing of application and description of such "motor vehicle" or "motor vehicle" to be entered in alphabetical order of the owner's name in a book to be kept for that purpose in the office of the Secretary of State: Provided, That this section shall not apply to manufacturers of or dealers in "motor vehicles" in this State, except as to vehicles kept by such manufacturers or dealers for private use, or for public hire.

§ 4. The owner of each "motor vehicle," shall have a number corresponding with the number of the certificate of registration and registration seal by the Secretary of State, as hereinbefore provided, which shall be issued and furnished by the Secretary of State conspicuously displayed upon the front and back of every such "motor vehicle" owned by him whenever the same shall be driven or used upon a "public thoroughfare" in this Sttae; such numbers to be separate Arabic numerals not less than four inches in height and each stroke to be a width of not less than one-half of an inch and also as part of such number, the letters "Ky.;" such numbers and letters shall be white on black ground and such letters to be not less than one inch in height. The purpose of this section being to require such numbering and lettering to be done in such manner that the same may be readily de-

ciphered and ascertained either by night or by day by any officer of the law or any citizen of the Commonwealth.

§ 5. Every "motor vehicle" shall carry during the period from sunset to one-half hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction towards which such "motor vehicle" is proceeding and shall also exhibit at least one red light, visible in the reverse direction, attached to the rear of such "motor vehicle." Upon each of the glass fronts of the two first mentioned lamps, showing white lights, shall be displayed in such manner as to be plainly visible when said lamps are lighted, the number of certificate issued as aforesaid by the Secretary of State and in addition thereto, the letters "Ky.;" such figures to be separate Arabic numerals not less than one inch in height.

§ 6. Every manufacturer of and dealer in "motor vehicle" doing business in this State shall register one vehicle in each class manufactured or dealt in by him and if a number corresponding to the number of the registration seal issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it was issued, as provided in this section, while such vehicle is being operated by such manufacturer or dealer, or his agent or representative, on the public highways, it shall be deemed a sufficient compliance with Sections 3 and 5 of this act until such time as said "motor vehicle" shall be sold or let for hire: Provided, That electrical driven "motor vehicles" shall constitute a class, those propelled by steam power a class, and those propelled by gasoline explosive type engines a class.

§ 7. Nothing in this act shall be construed to prevent any city or incorporated town or municipality of this Commonwealth from levying and collecting license taxes from

resident owners of "motor vehicles" for city, town or municipal purposes, or preventing any ordinance, rule or regulation of said city, town or municipality providing additional numbers, signs or licenses, to be carried and exhibited on said "motor vehicles."

§ 8. The vendor and purchaser of every "motor vehicle" which has been previously registered by any person other than a manufacturer or dealer, shall, within ten days after such sale, join in a statement and send the same by mail to the Secretary of State and thereupon said registration shall cease to apply to the "motor vehicle" so sold; and the purchaser of such "motor vehicle" shall register the same as in case of an original registration and another and different number than the original registration shall be assigned to said "motor vehicle" and the original registration number shall be canceled by the Secretary of State.

§ 9. The provisions of Sections 3, 4, and 5 of this act shall not apply to any "motor vehicle" owned by non-residents of this State, provided the owner thereof has complied with any law requiring the registration of "motor vehicles" or the names of the owners thereof in force in the city, State, territory or federal district of his residence, provided the registration number showing the initials or abbreviation of the name of such city, State, territory or federal district shall be displayed on such vehicle substantially as in the preceding sections provided by this act, and, Provided, further, that nothing in this section, or in any other section, shall be construed as to exempt non-resident owners and drivers of "motor vehicles" from complying with the other sections of this act. And nothing shall exempt said non-residents from any of those other provisions of this act, providing for the safety of the public and offenses against any of the provisions of this act.

§ 10. Every "motor vehicle" while in use on a public highway shall be provided with good and sufficient brakes and also with a suitable bell, horn or other signal device, but no "motor vehicle" shall be supplied or equipped with or employ any unusual or unnecessary device or uselessly make, emit or create any undue or unnecessary noise either in motion or at rest, calculated to alarm or annoy any person or animal, but the sole purpose of such device as above required, is for the purpose of rendering known the approach over the "public thoroughfare" of the "motor vehicle," and of warning and safeguarding the other users of the "public thoroughfare." Provided, That this section shall not apply to any "motor vehicle" employed or in the use of the Commonwealth or any city thereof, such as an ambulance, fire-fighting apparatus or police patrol. Nor shall any "motor vehicle" be permitted on any "public thoroughfare" to operate in such a manner as to visibly emit any steam, smoke or products of combustion from exhausted pipes or openings or to permit to escape any odors; nor shall any person operating any "motor vehicle" on the "public thoroughfare" permit the pipes, mufflers, or any other device to emit sounds of exhaust in a loud or annoying or alarming manner; but all such "motor vehicles" shall be operated as quietly as possible.

No part of the machinery of any "motor vehicle" shall be left running while such vehicle is standing without an attendant, or for greater than two minutes' duration of time if in the hands of an attendant, on any "public thoroughfare" in this State. And no "motor vehicle" shall allow or cause any explosion or undue or unnecessary, or unwarranted noise on the part of its engine or machinery on the "public thorougfare" of this State.

§ 11. No "motor vehicle" shall be operated, used or driven through the "public thoroughfares" of any city, in-

corporated town or municipality at a speed to exced eight miles per hour, or through "public thoroughfare" outside of a city, incorporated town or municipality at a speed to exceed twenty miles per hour.

§ 12. It shall be the duty of every driver, chauffeur or operator of any "motor vehicle" when the same is in motion, to keep clearly and well over to the right side of the "public thoroughfare" whenever and wherever he may be using the same, save in the event of overtaking another vehicle traveling in the same direction, when, for the sole purpose of passing it, the thoroughfare being clear and the space sufficient, he shall pass such vehicle on the left side and thereafter so continue his course until at least 10 feet separate him from said passed vehicle when he shall again promptly assume and hold the right side of said thoroughfare; whenever any of the above vehicles be brought to a stop, or are at rest, it shall be facing the direction that would be its course were it in motion. Upon nearing any cross-thoroughfare of a "public thoroughfare," said "motor vehicle" shall slow to a speed not to exced six miles an hour and shall give warning of its presence and approach. A "motor vehicle" turning into another "public thoroughfare" to the right shall turn the corner as near the right hand edge as possible; while a "motor vehicle" turning into another "public thoroughfare" to the left shall turn around the intersection of the two "public thoroughfares." No "motor vehicle" shall back to make a turn in any "public thoroughfare" of any city, incorporated town or municipality whenever any other vehicle is within 100 feet of it, but it shall go around the block or to a "public thoroughfare" sufficiently wide to turn without backing. The operator of a "motor vehicle" when slownig down or stopping shall signal those who may be in the rear by raising his hand vertically.

§ 13. When any of the above mentioned "motor vehicles" shall see approaching or shall meet or encounter coming towards it any other vehicle of the same kind or any vehicle of any other description whatever, upon any "public thoroughfare" when the maximum speed limit is twenty miles per hour, it shall slow down to a speed not to exceed ten miles an hour for a distance of at least 200 feet before meeting such vehicle and maintain no greater speed until such vehicle has been passed.

§ 14. Whenever any chauffeur, driver or operator of any "motor vehicle" shall be warned either by word of mouth or by signal such as the raising of the hand, on the part of any person who may be riding any animal or driving or conducting the same over a "public thoroughfare" said chauffeur, driver or operator shall promptly run said vehicle as far as possible to the right of the thoroughfare and bring the same instantly to a dead stop, and at the same time cause to subside and to cease any noise that might be occasioned by the engine, dynamo or any other part of said "motor vehicle." In the event of any person in the conduct or in the company of any animal or driving behind same or riding in the same, as above set out, calling upon the chauffeur, driver or operator or the occupants of said "motor vehicle" it shall be the duty of some male occupant of the car, if any, to alight and to lead by the bridle or halter such animal by said vehicle, providing that the driver or occupants are physically unable to lead their stock by.

§ 15. If any person or property be injured by a "motor vehicle" as defined in this act and if the owner of said "motor vehicle" causing said damaging be not operating it, or be not present or in the "motor vehicle" at the time of the injury or damage, there shall be in any civil action a prima facie presumption that the person operating said motor vehicle

causing the damage or injury was the agent of the owner of such vehicle and, while then operating said machine was acting within the scope of his authority; and the burden shall be on the owner to show that said operator was not his agent and was not acting at that time within the scope of his authority, and the defendant in any civil action for damages because of any injury or damage by a "motor vehicle" may be held liable both for compensatory and punitive damages. If any operator of a "motor vehicle" cause by his neglect any injury or damage to any person or property, he and the owner of said vehicle, if in the vehicle or present at the time of said injury or damages, shall be held criminally liable for such negligent act; and if said owner be not in the vehicle or present at the time of said injury or damage caused by neglect in operating said motor vehicle, he shall nevertheless be criminally liable, provided he has theretofore had reasonable ground to believe that the person employed by him to run said car, or allowed by him to run said car, was under the age of twenty-one years, or that he was a reckless or incompetent operator or dissipated person and unfit to operate such a powerful and dangerous machine; and a prior judgment of which the owner has notice in any civil or criminal action holding that the person operating said vehicle had been guilty of such neglect in operating the same or some other machine at a prior date as to cause damage or injury to any person or property, shall be prima facie evidence of such recklessness, incompetency or unfitness to operate such machine.

§ 16. Any person or persons offending against or violating any of the provisions of this act, as set out and declared in Sections 3, 4, 5, 6, 8, 10, 12, 13, 14, 18, 19, 23 and 25, shall be punished by a fine of not less than ten ($10.00) dollars, nor more than fifty ($50.00) dollars; and any person or persons offending against or violating any of the provisions

of this act, as set forth and declared in Section 11, and Subsection 1, of Section 20, shall be punished by a fine of not less than fifteen ($15.00) dollars nor more than two hundred ($200.00) dollars, or be confined in jail for not less than three (3) nor more than thirty (30) days.

§ 17. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from the negligence of any kind and all kinds of vehicles employing and using the "public thoroughfares" of this State; and nothing in this act shall be construed as affecting the power of any and all municipal corporations to make and enforce ordinances, rules and regulations affecting "motor vehicles" which are used within their limits.

§ 18. In the event of any "motor vehicle" approaching or passing a car of the street railway which has been stopped to allow passengers to alight or to embark, the operator of said "motor vehicle" shall slow down and if it be necessary for the safety of the public, he shall bring said vehicle to a full stop, and any violation of this section shall be denounced as a misdemeanor, and, upon conviction, the party shall be punished as is provided in Section Sixteen.

§ 19. Every automobile registered under this act shall at all times be operated with safety to the public, by a competent, dicreet and sober person, and when not driven by the owner, or member of the owner's family over eighteen (18) years of age, shall be driven by a chauffeur licensed as herein provided.

Every person desiring a license to operate an automobile for compensation, shall obtain such license from the Secretary of State, and pay a fee of two dollars per annum there-

for, such license to be issued upon an application showing the name, age, residence and address of the applicant; a statement of the experience the applicant has had in the operation of automobiles, and the affidavits of two (2) responsible persons, one of whom shall be a dealer in automobiles, stating that the applicant is capable, discreet, and a sober person, competent and capable to operate an automobile. Thereupon a license shall be issued to said applicant, containing a brief description of the licensee, his name, address, residence and the distinctive number assigned to him, and said authority shall also deliver to him a badge containing the words "licensed chauffeur," with the number assigned to him, which badge shall be worn by the applicant in a conspicuous place and which shall not be transferable by him, and he shall not permit any one to use said badge but himself.

Provided, however, that automobiles or "motor vehicles" owned by non-residents of this State, and driven by a person residing and licensed in some other State, may operate on the roads and highways of this State without complying with the provisions of this section. Nothing herein contained shall prevent the owners of "motor vehicles" from personally operating their "motor vehicles" or any members of their families from operating such "motor vehicles" in the event of such owner or other member of the family being over eighteen (18) years of age.

The Secretary of State shall keep a record of all licenses granted open for inspection at all times. Such license issued to a person of age, as chauffeur, shall be good for one year only, and the violation of this section shall be deemed a misdemeanor, and, upon conviction thereof, said offender shall be punished as provided for in Section Sixteen of this act. And any chauffeur who shall be three times convicted of any

offense against this act shall ipso facto forfeit his license and shall not again be licensed.

§ 20. Whosoever operates a "motor vehicle" while in an intoxicated condition, shall be guilty of a felony, and, upon conviction thereof, shall be subject to not less than one, nor more than three years in the penitentiary.

Subsection One. Any person operating a "motor vehicle" knowing that any injury has been caused to a person or property due to the culpability of said operator, or through an accident leaves the place of said injury or accident without stopping and giving his name, residence and operator's license number to the injured person, or to a police officer, or in case no police officer is in the vicinity of the place of said injury or accident, without reporting the same to the nearest police station, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided in Section Sixteen of this act.

§ 21. Any chauffeur or other person who, without the consent of the owner, shall take, use, operate or remove, or cause to be taken, used, operated or removed from the garage, stable, or other building, or from any place or locality, any "motor vehicle" and shall operate or drive, or cause the same to be operated or driven or diverted for his own property, use or purpose, shall be guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

§ 22. No person shall, without any authority of the owner or person in charge of the "motor vehicle" climb upon, or into any such vehicle, whether the same is in motion or at rest, or hurl stones or other missiles at the same,

or at the occupants thereof, or while such "motor vehicle" is at rest sound any horn or other signal device, breakes or machinery thereof, or set said vehicle in motion, or take anything from such "motor vehicle" or in any wise damage, tamper or interfere with the same. For a violation of this section the person or persons offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars, or be confined in jail for not less than five days nor more than thirty days, or both, within the discretion of the court.

§ 23. Any one using a number upon any automobile other than that issued by the Secretary of State, or who shall use the latter after the registration for the same has expired shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in section sixteen of this act.

§ 24. All moneys heretofore and hereafter collected by the Secretary of State under this act, including registration fees, license fees, and all fines and penalties, after the payment of necessary and reasonable costs and expenses incurred by the Secretary of State in carrying out the provisions of this act, shall be paid over to the State Treasurer, and by him credited to the general expenditure fund; unless a State road fund is established by this General Assembly, and if such fund is so established said moneys shall be credited to said road fund.

§ 25. No "motor vehicle" shall be used or operated upon the "public thoroughfare" of this State after this act shall take effect unless the owner shall have complied in all respects with this act.

§ 26. All laws or parts of laws in conflict or inconsistent with the provisions of this act are hereby repealed.

Mr. Clay moved that the House do now resolve itself into the Committee of the Whole House for the purpose of hearing from Senator Newcomb relative to said bill.

Mr. J. W. Holland to amend said motion by way of substitute that the House take up said bill for consideration at once.

Said last named amendment was agreed to.

Mr. L. C. Owings moved that the vote by which said substitute motion was agreed to be reconsidered.

Said motion was agreed to.

Said substitute motion was then disagreed to.

The motion as made by Mr. Clay was then agreed to.

Thereupon the Speaker vacated the Chair having designated Mr. Wilson as Chairman of the Committee of the Whole House.

After a time the Speaker resumed the Chair.

Mr. Wilson of the Committee of the Whole House reported that said Committee had been considering said bill and listened to arguments by Senator H. D. Newcomb and that the committee now asked to be discharged from further consideration of same.

Which was done.

Mr. Forgy moved that the House do now adjourn.

Said motion was disagreed to.

The following amendments were offered to said bill, viz.:

Amendments to S. B. 57.

By Mr. John W. Holland:

1. Amend by striking out the words beginning with the word "nor" in line 13, Section 10, and ending with the word "manner" in line 19, Section 10.

2. Amend by striking out lines 21, 22, 23, 24, 25, 26, 27 in Section 10.

3. Amend by striking out the following words; beginning with the words from "whenever" in line 10, Section 12, to and including the word "motion" in line 12, Section 12.

4. Amend by striking out the following words in line 12, Section 19, "One of whom shall be a dealer in automobiles."

5. Amend Section 14, by adding at the end thereof the following words, "And such fact is made known to the occupants of said motor vehicle."

6. Amend by striking out the following words, beginning with the word "no" in line 19, Section 12, to and including the word "backing" in line 23, Section 12.

Said amendments were severally adopted.

Mr. Wilson moved that the House do now adjourn.

Said motion was disagreed to.

The following amendments were offered to said bill, viz.:

By Mr. John W. Holland:

1. Amend by striking out Section 15.

By Mr. John W. Holland:

2. Amend by striking out Section 20.

Said amendments were severally disagreed to

Mr. Forgy moved that the House do now adjourn.

Said motion was disagreed to.

Mr. Knight offered the following substitute for said bill:

An Act to provide uniform rules, regulating the use and speed of all vehicles on the public highways of the State, defining motor vehicles and other vehicles, and providing for the registration of motor vehicles, and prescribing penalties and civil liabilities for the violation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the short title of this act shall be the "Vehicle Law." Whenever the term "motor vehicle" is used in this act, it shall be construed to include automobiles, locomobiles, motor bicycles, motor cycles, and all other vehicles propelled otherwise than by muscular power, except traction engines and road rollers, the cars of electric and steam railways, and other vehicles propelled exclusively by muscular pedal power.

Whenever the term "other vehicles" is used in this act it shall be construed to include all vehicles not included in the term "motor vehicles" as herein defined, except traction engines and road rollers, the cars of electric and steam railways, and bicycles that are propelled exclusively by muscular pedal power.

REGISTRATION OF VEHICLES.

§ 2. Every owner of a motor vehicle operated in this State shall, except as otherwise provided herein, within ten days after he becomes the owner of such vehicle, file in the office of the Secretary of State an application by affidavit, properly sworn to, setting forth his name and address with brief description of the vehicle to be registered, including the name of the maker, factory and style of vehicle, on a blank to be prepared and furnished by the Secretary of State for that purpose, and shall pay to the said Secretary of State a registration fee of five dollars on all motor vehicles of a power less than 25 horsepower, and ten dollars on all motor vehicles of a power equal to or greater than 25 horsepower, and less than 50 horsepower, and twenty dollars on all motor vehicles of a power equal to or greater than 50 horsepower, per annum for each motor vehicle owned by the person making such application. Said registration shall be made on the date the application is received and filed by the Secretary of State, and shall expire on the first Monday in July thereafter. Upon filing in the office of the Secretary of State of said application, the Secretary of State or his duly authorized agent shall, without further fee, assign to each motor vehicle, described in such application, a distinctive number and shall issue to the owner of such motor vehicle as is described in the application filed, a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket, and which shall contain the distinctive

number so assigned such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, including the name of the manufacturer, factory number and style of the vehicle. Provided, that nothing in this act shall be construed to prevent cities of the first, second and third classes from levying and collecting license taxes from resident owners of motor vehicles for city purposes, by ordinances properly passed. Such distinctive number provided for above, so assigned to the owner of a motor vehicle, shall, as far as practicable be reassigned to such owner each succeeding year when his application for registration is filed and the registration fee paid as herein provided. The Secretary of State shall also issue to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form and not to exceed two inches in diameter, having stamped theron the words "Registered Motor Vehicle, No. ....., Ky.," which, with the registration number inserted thereon, thereafter at all times to be affixed to the motor vehicle to which such number has been assigned. Duplicate certificates of regisration will be issued upon payment of a fee of fifty cents, and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed. The Secretary of State shall cause the name of such owner with his address, registration number and date of filing the application, and description of such motor vehicle, to be entered in alphabetical order of the owner's name in a book to be kept for that purpose in the office of the Secretary of State, provided that this section shall not apply to manufacturers of or dealers in motor vehicles in this State, except as to motor vehicles kept by such manufacturers or dealers for private use or for public hire.

§ 3. General registration shall be had on the first Monday in July of each year, and registration during the year

may be had until the day of general registration by paying proportionate fee for same.

TRANSFER OF REGISTRATION.

§ 4. The certificate of registration of motor vehicles provided for in this act shall be transferable. Such transfer shall be affected by filing in the office of the Secretary of State a statement containing the name and address of the transferee of such registration certificate, together with the number thereof, and said Secretary of State, shall, upon the request of such owner in writing, issue for a fee of fifty cents a new certificate, bearing the new number, to whomsoever said owner shall designate in such notice by giving the name and address of the transferee, with a brief description of the motor vehicle to be registered, including the name of the maker, factory number and style of vehicle. Such transfer may be made from one motor vehicle to another motor vehicle owned by the same person upon payment of a fee of fifty cents to the Secretary of State, and filing with the Secretary of State a written statement containing a description of the motor vehicle to be registered, similar as is required in the original application for registration of a motor vehicle. The Secretary of State shall within ten days after the registration of motor vehicles, furnish to the to the County Clerk of every county of this Commonwealth a list of the names of such owners of motor vehicles, with the registration numbers and a description of such motor vehicle, of all motor vehicles registered in each respective county of the State and the county clerk of each county shall keep such lists on file in the office as public records.

REGISTERED NUMBERS TO BE ON VEHICLES.

§ 5. The owner of each vehicle except as hereinafter stated shall have a number corresponding to the number of

the certificate of registration, and registration seal, conspicuously displayed upon the front and back of every motor vehicle owned by him, whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, drives or other public highways of the State, such numbers to be separate Arabic numerals, not less than four inches in height and each stroke to be a width of not less than one-half inch, and also as part of that number, the letters "Ky." Such numbers shall be affixed on such motor vehicles not less than fifteen inches nor more than thirty-six inches from the ground, and shall at all times be kept clear and distinct, and free from grease, dust or other blurring matter. The owner of such motor cycle or motor bicycle shall only be required to have a number corresponding with the number of the certificate of registration and registration seal conspicuously displayed upon the rear of the motor cycle or motor bicycle and such numbers to be separate Arabic numerals not less than two and one-half inches in height and each stroke to be a width of not less than one-fourth of an inch, and also as a part of that number the letters "Ky." Such owner shall not be required or permitted to place any numbers or other marks of indentification upon said motor vehicle.

LIGHTS.

§ 6. Every motor vehicle except as hereinafter stated whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State, shall carry during the period from sunset to sunrise, two lighted lamps, which lamps shall be on the front of the said motor vehicle, showing a white light visible at least two hundred feet in the direction towards which each motor vehicle is proceeding, and shall also exhibit and have one red light visible in the reverse direction, attached to the rear of such vehicle. Motor cycles or

motor bicycles shall only be required to show a white light visible at least two hundred feet in the direction which such cycle or motor cycle is proceeding, and shall also exhibit and have one green light visible in the reverse direction for a distance of two hundred feet attached to the rear of such vehicle.

NUMBER PLATE TO BE CHANGED ANNUALLY.

§ 7. The number plates provided for herein shall be of a distinctly different color each year, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon.

USE FORBIDDEN WITHOUT REGISTRATION.

§ 8. No motor vehicle shall be used or operated upon any of the public highways of this State after this act shall take effect, unless the owner shall have complied in all respects with Sections 2, 5 and 6 of this act.

NON-RESIDENT OWNERS.

§ 9. The provisions of Section 2, 5 and 6 of this act shall not apply to any motor vehicle owned by non-residents of this State and not used for carrying freight or merchandise or for hire provided the owner thereof has complied with the law requiring the registration of motor vehicles in force in the city, State, territory or federal district of his residence, and provided, the registration number showing the initial or the abbreviation of the name of such city, State, territory or federal district shall be displayed on such vehicle, substantially as provided herein; and provided that nothing in this section shall be construed as to exempt non-resident owners and drivers of motor vehicles from complying with this act

in so far as they are required to carry lighted lamps upon such vehicles from sunset to sunrise.

BRAKES, HORNS, ETC.

§ 10. Every motor vehicle, while in use on the public highways in this State, shall be provided with good and sufficient brakes, also with suitable bell, horn or other signal device, and no part of the machinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant, upon any public highway in this State.

SPEED.

§ 11. No person shall drive a motor vehicle or other vehicle upon any public highway in this State at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb, or injure the property of any person. If the rate of speed of any motor vehicle or other vehicle, operated or driven upon any public highway in this State where the same passes through the closely built up portions of any incorporated city, town or village, exceeds ten miles per hour, or if the rate of speed of any motor vehicle or other vehicle operated or driven upon the public highway where the same passes through the residence portion of any incorporated city, town or village, exceeds fifteen miles per hour; or if the rate of speed of any motor vehicle or other vehicle operated or driven upon any public highway of this State outside of closely built up portions of any incorporated city, town or village, exceeds twenty miles an hour, such rate of speed shall be prima facie evidence that the person operating or driving such vehicle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way or so as to endanger the life or limb or in-

jure the property of any person. If the rate of speed of a motor vehicle or other vehicle, operated or driven on a public highway, in this State in going around a corner, curve or crossing a highway, where the operator's view of the road traffic is obstructed, exceeds eight miles per hour, such vehicle is running at a rate of speed greater than is reasonable and is not having due regard to the traffic and use of the way, or so as to endanger the life or limb or injure the property of any person.

RIGHTS OF THE ROAD.

§ 12. Whenever a person operating a motor vehicle or other vehicles shall meet on a public highway any other person riding or driving a horse or horses or other draft animal, or any motor vehicle or other vehicle, the person so operating such motor vehicle or other vehicle, shall reasonably turn the same to the right of the center of the highway, so as to pass without interference. Any such person operating any such motor vehicle shall, upon overtaking any such horse, draft animal, motor vehicle, or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or motor vehicle or other vehicle shall as soon as practicable, turn to the right so as to follow free passage to the left and shall slow down in passing so as to bring his machine under perfect control. Any such person so operating a motor vehicle or other vehicle shall at the intersection of the public highways, keep to the right of the intersection of the centers of such highways when turning to the right, and pass to the right of such intersection when turning to the left. Whenever it shall appear that any horse ridden or driven by any person on any public street, road or highway, is about to become frightened by the approach of any motor vehicle, it shall be the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until

such horse or horses shall have passed. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight or embark, the operator or driver of every motor vehicle or other vehicle shall slow down and if it be necessary for the safety of the public he shall bring said vehicle to a full stop.

COMPETENCY OF DRIVERS.

§ 13. Every automobile registered under this act shall at all times be operated with safety to the public by a competent, discreet and sober person, and when not driven by the owner or a member of his family over eighteen years of age, shall be driven by a chauffeur licensed as herein provided.

CHAUFFEURS AND OPERATORS.

§ 14. Every person desiring a license to operate an automobile for compensation shall obtain such license from the Secretary of State and pay a fee of two dollars per annum therefor, such license to be issued upon application showing the name, age, address and residence of the applicant, a statement of the experience the applicant has had in the operation of automobiles and an affidavit of two persons, owners or dealers in automobiles stating that the applicant is capable, discreet and sober person competent to operate an automobile. Thereupon a license shall be issued to such applicant containing a brief description of the license, his name, address and residence and the distinctive number assigned to him and he shall also deliver to him a badge containing the words "Licensed Chauffeur," with the number assigned to him, which badge shall be worn by the applicant in a conspicious place, and shall not be transferable by him, and he shall not permit anyone to use said badge but himself. It is further provided that in the event that any chauffeur shall

be convicted for a violation of Section 16 or three times for the violation of any other section or sections in this act, said chauffeur's license shall be thereby revoked and he shall not be again licensed in this State; And provided, further, that no chauffeur shall be granted a license in this State whose license has been revoked or refused in any other State. Provided, however, that automobiles or motor vehicles owned by non-residents of this State and driven by a person residing and licensed in some other State, may operate on the roads and highways of this State without complying with the provisions of this section. Nothing herein contained shall prohibit the owners of automobiles from conducting the same. The Secretary of State shall keep a record of all licenses granted open for inspection at all times. A license issued to a person to act as chauffeur shall be good only for one year.

As to Damages in Civil Action.

§ 15. Nothing in this act shall be construed so as to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property, resulting from the negligent use of motor vehicles or other vehicles upon the public highways of this State. Provided, that whenever a collision shall occur between two motor vehicles, or between two other vehicles, or between a motor vehicle and another vehicle, as described in this act, upon any public street, road, turnpike, park, parkway, drive or other public highway in this State, and persons or property are injured as a result of such collision, and the owner of such motor vehicle or other vehicle has failed to comply with any of the provisions of this act, such failure shall be prima facie evidence of negligence on the part of such owner violating such section, and such negligence of such owner shall be imputed to every adult occupant of such vehicle in any action by such occupant against the owner or operator

of the motor vehicle or other vehicle colliding with such vehicle, in which such occupants were riding, and shall be prima facie evidence of such negligence in any civil or criminal proceeding in behalf of the person, who himself complying with the provisions of this act, receives injury or damage or does injury or damage in such collision.

PUNISHMENT FOR OPERATING MOTOR VEHICLE WHILE INTOXICATED.

§ 16. Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor and upon conviction shall be subject to a penalty of not less than fifty dollars nor more than five hundred dollars in the discretion of the court or jury trying the case.

Sub-section 1. Any person operating a motor vehicle who, knowing that injury has been caused to a person or property due to the culpability of said operator or to accident, leaves the place of said injury or accident without stopping and giving his name, residence and operator's license number to the injured party, or to a police officer, or in case no police office is in the vicinity of the place of said injury or accident, then reporting the same to the nearest police station, shall be guilty of a misdemeanor and shall be subject to a penalty of not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail for not less than sixty days nor more than two years, or both such fine and imprisonment in the discretion of the court or jury trying the case.

UNAUTHORIZED USE OF VEHICLES.

§ 17. Any chauffeur or other person who, without the consent of the owner, shall take, use, operate or remove or cause to be taken, used, operated, or removed from garage,

stable or other building, or from any place or locality on a private or public highway, park, parkway, street, lot, enclosure, or space, an automobile or motor vehicle and operate or drive or cause the same to be operated or driven, for his own property, use or purpose, shall be guilty of larceny and punished by confinement in the penitentiary of not less than one year or more than five years.

TAMPERING WITH VEHICLE, HURLING MISSILES, INTERFERING WITH EQHIPMENT.

§ 18. No person shall, without the authority of the owner or person in charge of an automobile, climb upon or into any automobile, whether the same is in motion or at rest or hurl stones or other missiles at the same, or at the occupants thereof, or while such motor vehicle is at rest and unattended, sound any horn or other signal device or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set said vehicle in motion or take anything from such motor vehicle, or in any wise damage, tamper or interfere with the same, and for a violation of this section, the person offending shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars, or imprisonment not less than one month nor more than six months, or both such fine and imprisonment in the discretion of the court or jury trying the case.

UNNECESSARY NOISES UNLAWFUL.

§ 19. Every motor vehicle operated upon the public roads or highways of this State or of any incorporated city or town thereof, shall be equipped with a muffler or other suitable contrivance sufficient to prevent unnecessary noises in the operation of such motor vehicle, and it shall be unlawful to use a cutout or other device which shall tend to prevent

the suppression of the noise of operating any motor vehicle upon the streets, parks, parkways or public highways of any incorporated city or town of this State. It shall also be unlawful to make any unnecessary noise in the use or operation of any motor vehicle upon the streets, parks, parkways or public highways of any incorporated city of town in this State.

FICTITIOUS NUMBERS, ETC.

§ 20. Any one using a number upon any automobile, other than that issued by the Secretary of State, or who shall use the latter after the registration for same has expired, shall be deemed guilty of a misdemeanor and upon conviction fined not less than fifteen dollars and not more than fifty dollars for each offense.

EXEMPTION OF FIRE AND POLICE AUTOMOBILES, ETC.

§ 21. The provisions of this act shall not apply to motor vehicles or other vehicles used by the governmental authorities of cities and towns of this State.

VIOLATION OF LAW.

§ 22. Any person violating any of the provisions of this act, for which there has been no other specific penalty fixed herein, shall be punished by a fine of not less than fifteen dollars nor more than fifty dollars for each offense, or by confinement in the county jail for not less than five nor more than ten days, or both so fined and imprisoned in the discretion of the court or jury trying the case.

DISPOSITION OF FINES AND PENALTIES.

§ 23. On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of

any of the provisions of this act, under the sentence or judgment of any court, judge, magistrate, or other judicial officer, having jurisdiction of the same, shall be paid over by such court, judge, magistrate or other judicial officer, to the Secretary of State with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense and the fine and penalty imposed, provided that nothing in this section shall prevent fines and penalties collected by courts or judges in cities of the first, second or third class from being applied as now provided by law.

MONEYS APPROPRIATED FOR ROAD PURPOSES.

§ 24. All moneys received by the Secretry of State under this act, including registration fees, fees for the transfer of registration, license fees, and all fines and penalties, shall be appropriated and used for the maintenance and repair of the improved roads of the State, and shall be apportioned equitably for such purposes by the General Assembly to the various counties of the State, having due regard to the amount received under this act from each county, after the payment of necessary and reasonable costs and expenses incurred by the Secretary of State in carrying out the provisions of this act, and the Secretary of State shall pay over to the State Treasurer all moneys received by him for the purpose stated, annually.

REPEALING CLAUSE.

§ 25. An act defining motor vehicles, providing for the registration of same and uniform rules regulating the use of speed thereof, approved March 23, 1910, and all other laws

and parts of laws in conflict with the provisions of this act are hereby repealed.

This act to take effect from and after its passage.

Mr. Wilson moved that said bill and substitute be laid on the table.

Said motion was agreed to.

Mr. Clay moved that the House take a recess until 8:30 o'clock p. m.

Said motion was agreed to.

NIGHT SESSION.

At 8:30 o'clock p. m. the House reconvened.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed and enrolled bill which originated in the Senate of the following title,

S. B. 3. An act to create and establish a Department of Public Roads and creating the office of State Commissioner of Public Roads and the prescribing the duties and compensation therefor, and also creating a fund in the Treasury of the State to be known as the State Roads Fund and providing and regulating the disbursement thereof.

That they had adopted resolutions of the following titles:

S. Res. 26. Resolution indorsing the action of the members of Congress of Kentucky in their efforts to pass a bill to

commemorate the memory of the North American Indian and preserve the relics thereof.

S. Res. 29. Resolution for the payment of certain contingent expenses of the Senate.

S. Res. 30. Resolution providing the payment of ministers of the city of Frankfort.

That they had disagreed to bills which originated in the House of Representatives of the following titles, viz.:

H. B. 77. An act to regulate lobbying and the conduct of legislative counsel and agents in Kentucky.

H. B. 299. An act to amend an act entitled An act to amend an act entitled An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth which became a law March 16, 1910.

H. B. 418. An act to amend and re-enact Section 1930 of the Kentucky Statutes concerning fugitives from justice passed August 3, 1892.

That they had passed bills which had originated in the House of the following titles, viz:

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be effected.

H. B. 134. An act making it a felony for any person to admit to their house or to take or direct to any house for the purpose of prostitution or lewdness any female under the age of sixteen years and fixing the penalty therefor.

H. B. 95. An act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of denistry in the State of Kentucky.

H. B. 61. An act to establish a State Board of Forestry prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

H. B. 40. An act to amend an act of the General Assembly of the Commonwealth of Kentucky approved March 19, 1908, entitled An Act relating to children who are now or may become dependent, neglected or delinquent, to define these terms and fix and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of such children and provide for the means whereby such powers may be exercised as amended by An Act approved March 23, 1910, entitled An act to amend Section 2 of the Acts of the General Assembly of the Commonwealth of Kentucky approved March 19, 1908, entitled an act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised.

H. B. 347. An act to aid and promote the building of good roads in the State of Kentucky and to direct the transfer of any stock or other interest owned by the State of Kentucky in turnpike companies or toll roads to any county that may purchase or condemn said roads and operate same as free roads.

H. B. 265. An act to amend and re-enact certain sections of the Tenement House Law of March 21, 1910.

H. B. 115. An act prohibiting waiters and servants from accepting tips in hotels and restaurants, barber shops and Pullman cars, and other places and prohibiting persons from offering or giving tips and prescribing punishment therefor.

H. B. 200. An act to amend an act entitled An act concerning Courts having continuous session and two judges, approved March 2, 1906.

H. B. 202. An act creating Boards of Education for cities of the second class providing for the election thereof defining their powers and duties and repealing all laws in conflict herewith.

H. B. 233. An act to amend an act entitled An act for the government of cities of the fourth class.

H. B. 439. An act to amend an act entitled An act for the creation and regulation of private corporations.

H. B. 456. An act to provide for the appointment of a Commissioner to the Panama Pacific Exposition at San Francisco, California, and to make an appropriation therefor.

H. B. 42. An act creating a parental home and school commission in counties containing a city of the first class defining the powers and duties thereof and empowering fiscal courts to levy a tax to create funds for the purpose of this Act.

With amendmets to the last named bill.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 11. An act changing and fixing the date for holding courts in the 27th Judicial District of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding courts in the Twenty-seventh Judicial District of Kentucky, shall be as follows:

Jackson County, at McKee, on first Monday in January, and continue 12 juridical days; fourth Monday in March and continue 12 juridical days; fourth Monday in August and continue 18 juridical days.

Clay County, at Manchester, on third Monday in January and continue 18 juridical days; third Monday in April and continue 18 juridical days; third Monday in September and continue 24 juridical days.

Laurel County, at London, second Monday in February and continue 30 juridical days; fourth Monday in May and continue 30 juridical days; third Monday in October and continue 30 juridical days.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force on and after the 1st day of August, 1912.

Mr. Kirk offered the following amendment to said bill, viz.:

Amend said bill by adding after the word "days" in line 12 the following:

The time for holding courts in the 24th Judicial District shall be as follows:

Paintsville in Johnson County, first Monday in February and continue 24 juridical days; first Monday in May and continue 24 juridical days; first Monday in November and continue 24 juridical days.

Inez in Martin County, first Monday in April and continue 18 juridical days; first Monday in July and continue 18 juridical days; first Moday in December and continue 18 juridical days.

Said amendment was adopted.

Mr. Hall offered the following amendment to said bill, viz.:

Amend said bill to fix the time of holding courts in the 31st Judicial District by adding the following:

Magoffin County, at Salyersville on the first Monday in January, third Monday in April and first Monday in September and continue 18 juridical days each term.

Floyd County at Prestonsburg, first Monday in February, third Monday in May and first Monday in Ocotber and continue 24 juridical days each term.

Knott County at Hindman, second Monday in March, second Monday in July and third Monday in November and continue 18 juridical days each term.

Said amendment was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Akin	Elwood Hamilton	A. W. Palmer
Thos. M. Bertram	V. D. Hammond	William A. Perry
E. Bishop	A. B. Holland	W. V. Perry
H. C. Blades	John W. Holland	John A. Polin
Wallace Brown	James R. Howell	W. A. Price
C. W. Burton	W. J. Jackson	Stanley F. Reed
George P. Chinn	John G. Kelley	S. H. Rogers
Henry Chunn	M. C. Kirk	W. H. Shanks
Elkanah Dickey	Charles H. Knight	W. A. Shawler
G. L. Drury	William J. Kuc	W. Scott Smith
Ben F. Egleston	James A. Leach	Adam Spahn
J. H. Elder	F. A. Lochry	John G. Stoll
Eli Farmer	Emanuel Meyer	Henry Thomas
John M. Farra	Harry J. Meyers	C. B. Thompson
F. Fryer	R. C. McClure	E. B. Thompson
Allie T. Gaines	W. N. McCubbin	D. B. Thurman
D. Clarence Gray	C. B. Nichols	Yeaman Watkins
T. J. Gregory	Ben F. Niles	E. B. Wiley
Joe Hall	Luther C. Owings	B. S. Wilson

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Mr. Kirk offered the following amedment to the title of said bill, viz.:

Amend the title of said bill by adding thereto the following words after the words "Twenty-seventh" the words "Twenty-fourth and Thirty-first."

Said amendment was adopted.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 295. An act for the benefit of the West Kentucky Industrial College.

Said bill reads as follows, viz.:

Whereas, there has been established at Paducah, Kentucky, an educational institution known as the West Kentucky Industrial College, for the education and training of the colored people of the State in industrial and scientific lines; and

Whereas, said college is non-sectarian and is established and operated for the benefit and uplift of the colored race by better preparing them, at a minimum cost, to meet the needs and duties of life, and to make better and more useful citizens, and

Whereas, said college has no capital stock and is being maintained and developed by private means, subscriptions and donations, and for the public welfare and not for private gain, and

Whereas, said school is now in need of funds with which to finish, and equip its buildings and to purchase farm lands on which to train its pupils in the science of farming.

Now therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State for the benefit of the West Kentucky Industrial College, at Paducah, Kentucky, for colored persons the following named sums for the specific purposes named and set out herein as follows:

(1) For the purpose of completing and equiping the building now in process of construction, the sum of three thousand dollars.

(2) For the purpose of buying and improving farm lands to use for agricltural and industrial purposes, the sum of seven thousand dollars.

(3) Whereas, there are now buildings and other property owned by said college and without a sufficient maintenance fund for their care, growth, development and equipment, the sum of two thousand five hundred dollars is hereby appropriated for this purpose.

(4) The sums of money above appropriated shall be paid to the secretary and treasurer of the West Kentucky Industrial College, and shall be used as herein indicated under the direction and supervision of the Board of Directors of said college.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Akin	Green R. Keller	Stanley F. Reed
A. V. Bertram	John G. Kelley	S. L. Robertson
Thos. M. Bertram	M. C. Kirk	H. A. Schoberth
E. Bishop	Charles H. Knight	Robt. H. Scott
Wallace Brown	William J. Kuh	W. H. Shanks
C. W. Burton	J. Albert Leach	W. A. Shawler
George P. Chinn	F. A. Lochry	W. Scott Smith
Sidney G. Clay	Hugh Mahin	Adam Spahn
G. L. Drury	Emanuel Meyer	John G. Stoll
J. H. Elder	Harry J. Meyers	Henry Thomas
Eli Farmer	R. C. McClure	C. B. Thompson
John M. Farra	W. N. McCubbin	E. B. Thompson
S. Walton Forgy	C. B. Nichols	D. B. Thurman
John F. Fryer	A. W. Palmer	Yeaman Watkins
Allie T. Gaines	William A. Perry	B. S. Wilson
V. D. Hammond	W. V. Perry	Charles Yancy
L. B. Herrington	John A. Polin	—52
Earl C. Huntsman	W. A. Price	

Those who voted in the negative were—

Elkanah Dickey	Joe Hall	Luther C. Owings
F. B. Douglas	Elwood Hamilton	S. H. Rogers
D. Clarence Gray	A. B. Hatton	A. H. Stamper
T. J. Gregory	W. J. Jackson	E. B. Wiley
		—12

Resolved that the title therof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 74. An act to appropriate money to erect and equip a filter and appurtenances thereto for the Eddyville penitentiary, to construct a concrete arch bridge across Lick Creek for the Eddyville Penitentiary and to finish the Tuberculosis Hospital for the Eddyville Penitentiary.

Said bill reads as follows, viz.:

Be it enacted by the Generaly Assembly of the Commonwealth of Kentucky:

§ 1. That there be and hereby is, appropriated out of any money in the treasury not otherwise appropriated the following sums of money for the following respective purposes, on account of the Eddyville Penitentiary, to-wit:

The sum of one thousand ($1,000) dollars for the purpose of erecting and equiping a filter and necessary appurtenances for the water used at the Eddyville Penitentiary.

The sum of six thousand ($6,000) dollars for the purpose of constructing an arch-bridge across Lick Creek, on the State's road leading from Eddyville Penitentiary to the Illinois Central Railroad Depot, and

The sum of six thousand ($6,000) dollars for the prupose pose of finishing the hospital for tuberculosis patients at the Eddyville Penitentiary.

That the Auditor of Public Accounts be, and he is hereby directed to draw his warrant upon the treasurer of the Commonwealth for said respective sums for said respective purposes in favor of the said Eddyville Penitentiary; said filter to be erected, said arch-bridge to be constructed, and said hospital to be finished under the supervision and direction of the chief engineer of the said penitentiary.

The Kentucky Board of Prison Commissioners will make and file with the Auditor of Public Accounts a full report of expenditures of any funds under the above several items, keeping each account separately, upon the completion of each purpose, and pay back into the State Treasury any part of such funds as may not be used.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Akin	Green R. Keller	W. V. Perry
Thos. M. Bertram	John G. Kelley	John A. Polin
E. Bishop	M. C. Kirk	Stanley F. Reed
H. C. Blades	Charles H. Knight	S. L. Robertson
Wallace Brown	William J. Kuh	Robt. H. Scott
C. W. Burton	James A. Leach	W. H. Shanks
George P. Chinn	F. A. Lochry	W. A. Shawler
Sidney G. Clay	Hugh Mahin	Adam Spahn
F. B. Douglas	Emanuel Meyer	A. H. Stamper
G. L. Drury	Harry J. Meyers	John G. Stoll
Ben F. Egleston	S. F. Middleton	Henry Thomas
J. H. Elder	R. C. McClure	C. B. Thompson
John F. Fryer	W. N. McCubbin	E. B. Thompson
Elwood Hamilton	C. B. Nichols	D. B. Thurman
V. D. Hammond	Ben F. Niles	E. B. Wiley
A. B. Holland	Luther C. Owings	Charles Yancy
John W. Holland	A. W. Palmer	—52
James R. Howell	William A. Perry	

Those who voted in the negative were—

Elkanah Dickey	A. B. Hatton	Yeaman Watkins
Eli Farmer	W. J. Jackson	B. S. Wilson
D. Clarence Gray	W. E. King	—10
Joe Hall	W. Scott Smith	

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 60. An act to amend an act, entitled, "An act for the benefit of the Kentucky Home Society for Colored Children," approved March 19, 1910.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas, heretofore, $5,000 was annually appropriated for the use of the Kentucky Home Society for Colored Children, payable annually, said Act is hereby amended and reads as follows:

"That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars ($10,000), payable annually, for the benefit of the Kentucky Home Society for Colored Children, and the Auditor of Public Accounts be and is hereby authorized and directed to draw his warrants upon the Treasurer annually in favor of the Treasurer of the Kentucky Home Society for Colored Children, for the sum of ten thousand dollars.

§ 2. The second paragraph of this act is as follows:

"The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Home Society for Colored Children, on the

first day of June, 1910, and annually on the same day and date thereafter, for the sum of five thousand dollars each."

§ 3. The above paragraph is amended to read as follows:

"The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Home Society for Colored Children, on the first day of June, 1910, and annually on the same day thereafter, for the sum of ten thousand dollars each."

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Thos. M. Bertram	Allie T. Gaines	Emanuel Meyer
C. W. Burton	L. B. Herrington	Harry J. Meyers
George P. Chinn	Earl C. Huntsman	R. C. McClure
Sidney G. Clay	Green R. Keller	W. N. McCubbin
F. B. Douglas	John G. Kelley	Ben F. Niles
Ben F. Egleston	M. C. Kirk	William A. Perry
J. H. Elder	Charles H. Knight	W. V. Perry
Eli Farmer	William J. Kuh	John A. Polin
John M. Farra	J. Albert Leach	W. A. Price
S. Walton Forgy	F. A. Lochry	H. A. Schoberth
John F. Fryer	Hugh Mahin	Robt. H. Scott

W. H. Shanks	John G. Stoll	Yeaman Watkins
W. A. Shawler	Henry Thomas	B. S. Wilson
W. Scott Smith	C. B. Thompson	Charles Yancy
Adam Spahn	E. B. Thompson	—44

Those who voted in the negative were—

A. V. Bertram	T. J. Gregory	W. E. King
E. Bishop	Joe Hall	C. B. Nichols
H. C. Blades	Elwood Hamilton	Luther C. Owings
Wallace Brown	V. D. Hammond	S. L. Robertson
Henry Chunn	A. B. Hatton	S. H. Rogers
Elkanah Dickey	A. B. Holland	A. H. Stamper
G. L. Drury	James R. Howell	D. B. Thurman
D. Clarence Gray	W. J. Jackson	E. B. Wiley
		—23

And so said bill was rejected.

Mr. L. C. Owings moved that the vote by which said bill was rejected be reconsidered.

Mr. L. C. Owings moved that said motion lie on the table.

Said last named motion was disagreed to.

Said motion to reconsider was agreed to.

Mr. Clay offered the following resolution, viz.:

Resolved that from now on to the end of the session the rules be so amended as to prohibit the explanation of any vote during roll call.

Said resolution was adopted.

The House took up for consideration from the Orders of the Day a bill entitled.

S. B. 75. An act to prevent process of prisoners arrested charged with crime and to prevent the admission of evidence of confessions obtained by such process in the State of Kentucky.

Said bill reads as follows, viz.:

Whereas, it has been the custom in many portions of this Commonwealth by officers such as sheriffs, jailers, marshals, policemen and constables, after having arrested persons and placed them in custody charged with crime, to sweat or to permit others to sweat them by plying them with questions and threatening them and by force and false statements, while such parties are under duress, extort from them confessions, and then introduce said confessions as evidence against them upon the trial; and

Whereas, said custom is inimical to the best interest of society and an injustice to the persons who may be charged with the commission of crime.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That what is commonly known as "sweating" is hereby defined to be the questioning of a person in custody charged with crime in an attempt to obtain information from him concerning his connection with crime or knowledge thereof, after he has been arrested and in custody, as stated, by plying him with questions or by threats or other wrongful means, extorting from him information to be used against him as testimony upon his trial for such alleged crime.

§ 2. It shall be unlawful for any sheriff, jailer, marshal, constable, policeman or other officer, or any peace officer, or any person having in his custody any person charged with crime, to sweat such person or permit any other person so to do, while such prisoner is in charge of such officer or in the custody of the law, charged with an offense.

§ 3. That no confession obtained by means of sweating as defined herein, shall be permitted as evidence in any court of law in this State, but shall be deemed to have been obtained, by duress, if it be shown that such arrest was made after the arrest of the party charged with crime, and while he was in custody of the law.

§ 4. Any person violating the provisions of this act shall upon conviction be fined in an amount not less than one hundred dollars nor more than five hundred dollars, or confined in the county jail not less than ten nor more than sixty days, or both such fine and imprisonment in the discretion of the court or jury trying the case.

§ 5. All laws or part of laws in conflict with this act are hereby repealed.

This act shall take effect from and after its passage.

Mr. W. A. Perry offered the following amendment to said bill, viz.:

Amend by striking out of the first paragraph the following words "by plying him with questions."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken therein in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert H. Akin	John G. Kelley	Robt. H. Scott
Thos. M. Bertram	W. E. King	W. A. Shawler
Wallace Brown	M. C. Kirk	W. Scott Smith
Sidney G. Clay	William J. Kuh	Adam Spahn
Elkanah Dickey	James A. Leach	John G. Stoll
G. L. Drury	Emanuel Meyer	Henry Thomas
J. H. Elder	Harry J. Meyers	E. B. Thompson
John F. Fryer	R. C. McClure	D. B. Thurman
Allie T. Gaines	W. N. McCubbin	Yeaman Watkins
Joe Hall	Ben E. Niles	E. B. Wiley
Elwood Hamilton	Luther C. Owings	B. S. Wilson
John W. Holland	A. W. Palmer	—37
W. J. Jackson	John A. Polin	

Those who voted in the negative were—

A. V. Bertram	John M. Farra	C. B. Nichols
E. Bishop	S. Walton Forgy	W. V. Perry
C. W. Burton	D. Clarence Gray	William A. Perry
George P. Chinn	V. D. Hammond	W. A. Price
Henry Chunn	A. B. Hatton	Stanley F. Reed
Francis B. Douglas	A. B. Holland	S. H. Rogers
Ben F. Egleston	Charles H. Knight	W. H. Shanks
Eli Farmer	Hugh Mahin	C. B. Thompson
		—25

And so said bill was rejected.

Mr. Keller offered a resolution.

Ordered that said resolution lie on the Clerk's desk.

Mr. Robertson moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 12, 1912.

The House was opened with prayer by the Rev. J. R. Zeigler of the First Presbyterian Church of the City of Frankfort.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Harry J. Meyers offered the following resolution, viz.:

Resolved: That the Chief Clerk of this House be allowed for extra services rendered for extra assistance necessarily employed during closing days of session, for postage paid, for telephone rent, be allowed the sum of two hundred and fifty dollars and the Auditor of Public Accounts is directed to draw his warrant for same as a necessary contingent expense of this House.

Said resolution was adopted.

Mr. Knight offered the following resolution, viz.:

Resolved, that five thousand copies of Senate Bill 19 be and the same are hereby ordered to be printed, the cost of the same to be paid as part of the incidental expenses of this House and that said bills be deposited with Adjutant General for general distribution to the people of the State.

Said resolution was adopted.

Mr. Keller offered the following resolution, viz.:

Be it resolved that the Stenographer to the Chief Clerk of this House be and is hereby allowed the sum of money, which in addition to the per diem stipulated and provided for by a resolution adopted on a former day in this House, will amount to and equal that of the Assistant Clerk of the House and upon the certificate of the Chief Clerk of this House the Auditor of Public Accounts will draw his warrant upon the Treasurer in favor of Chas. J. Howes for said amount, to be paid out of the Contingent Expense Fund of the House.

Said resolution was adopted.

The House took up for consideration from the Clerk's desk a resolution which originated in the Senate entitled,

S. Res. 29. Resolution for the payment of certain contingent expenses of the Senate.

Said resolution reads as follows, viz.:

RESOLUTION FOR THE PAYMENT OF CERTAIN CONTINGENT EXPENSES OF THE SENATE.

Whereas: The duties required to be performed in and about the Senate are so numerous and diversified that the

regular employees provided by law were unable to perform all of the duties devolving upon them, and

Whereas: At the beginning of this session of the General Assembly it became necessary for the Senate to employ further assistance at the following agreed prices, to be employed throughout the session, and for every day thereof, to-wit: one Clerk to the Rules Committee at $5.00 per day; three guards at $5.00 per day; one assistant to the Cloak room keeper, at $3.00 per day; one Stenographer to the Lieutenant Governor at $5.00 per day; three stenographers to the Senate at $5.00 per day; one Bill Clerk and Assistant $5.00 per day each; one Reading Clerk at $5.00 per day; one Assistant Reading Clerk for 21 days at $5.00 per day; two Messengers to the Senate and one Messenger to the Lieutenant Governor at $2.50 per day; one Stenographer to the Clerk at $5.00 per day; and one Mail Clerk at $5.00 per day.

Therefore be it resolved by the Senate, the House of Representatives concurring therein, that the Auditor of Public Accounts is hereby authorized and directed to pay out of the contingent fund of the Senate or any other fund not otherwise especially appropriated, upon the order of the Clerk of the Senate, in favor of the following persons the amounts specified as follows, each to be paid for the full length of the session except the Assistant Bill Clerk and the Assistant Reading Clerk:

Amos Preston, Clerk to the Rules Committee $5.00 per day; M. L. Du Borg, George Harrod, and George Kozee, Guards, $5.00 per day each; Harry Parker, Assistant Cloak room keeper, $3.00 per day; Charles E. Gardner, Stenographer to the Lieutenant Governor, $5.00 per day; Mrs. Mildred Moss, Miss Annie Lee Raleigh, Miss Harriett Duvall, Stenographers to the Senate, $5.00 per day each; William O'Connell, Reading Clerk $5.00 per day; James McDonald, Bill

Clerk $5.00 per day; Miss Fannie Eales, Stenographer to the Clerk $5.00 per day; Ben Salmon, Mail Clerk $5.00 per day; Don Tichenor, Lawrence Tobin and Herman Myers $2.50 per day each; R. G. Railey, Assistant Reading Clerk 21 days at $5.00 per day; Dave Haley, Assistant Bill Clerk $5.00 per day from the time of his employment to the end of the session.

§ 2. Whereas, It appears to the General Assembly that the employment of these assistants was necessary to the expeditious performance of their duties, and there being no provision of law for the payment of the same, an emergency is hereby declared to exist and the payment of the expenses herein provided shall be made upon the passage and approval of this resolution.

Mr. Keller offered the following amendment to said resolution, viz.:

Amend Senate Resolution No. 29 by adding as section 2 the following:

The Auditor of Public Accounts is authorized and directed to pay out of any money in the Treasury not otherwise appropriated upon the certificate of the Clerk of the House, such sums as may be due the extra help employed by the House under resolutions heretofore adopted, said employment being calculated from the beginning of the session; payable as follows:

Four door guards, James W. Reed, Mont Craven, Lee Baker, Sebastian Stone, $4.00 per day each; one stenographer to Chief Clerk, Charles W. Howes, $5.00 per day; two stenographers to the House, Zilpah Williamson and Aline Phillips, $5.00 per day each; one assistant enrolling clerk, Amy V. Lyons, $5.00 per day; one bill clerk and two assist-

ants, Ambrose Thompson, R. W. Johns, Jefferson Thomas Bowman, $4.00 per day each; two mail clerks to House, Barrett Giles, John Newman, $4.00 per day each; one copyist Maude Applegate, $4.00 per day; one porter, John L.Waler, $2.00 per day; five messengers to the House, Marks Herschberg, Richard H. Paxton, Jr., Earl Dickey, Laidley Douthitt and John Matthews, $2.50 per day each; two messengers to Committee, Marshall Howell and Juvenal Schnorbus, $2.50 per day each; one messenger to the Speaker, Harry Seabold, $2.50 per day.

Amend further by making Section 2 Section 3.

Amend the title thereof so that it will read Resolution for the payment of certain contingent expenses of the Senate and House of Representatives.

Said amendment was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	Elkanah Dickey	James R. Howell
Robt. H. Akin	F. B. Douglas	Green R. Keller
Eugene G. Asher	G. L. Drury	W. E. King
J. M. Bean	Ben F. Egleston	Charles H. Knight
Eli Berry	J. H. Elder	William J Kuh
E. Bishop	John M. Farra	James A. Leach
H. C. Blades	S. Walton Forgy	F. A. Lochry
Wallace Brown	John F. Fryer	Hugh Mahin
Wm. L. Bowling	T. J. Gregory	B. J. Matthews
C. W. Burton	V. D. Hammond	Emanuel Meyer
G. E. Carroll	A. B. Hatton	Harry J. Meyers
George P. Chinn	A. B. Holland	S. F. Middleton
Sidney G. Clay	John W. Holland	R. C. McClure

W. N. McCubbin	William A. Perry	John G. Stoll
C. B. Nichols	Stanley F. Reed	Henry Thomas
Ben F. Niles	S. H. Rogers	E. B. Thompson
L. B. Owen	W. H. Shanks	D. B. Thurman
Luther C. Owings	W. A. Shawler	E. B. Wiley
W. F. Parker	Adam Spahn	J. H. Williams
J. R. Paxton	A. H. Stamper	—59

The House took up for consideration from the Clerk's desk a resolution which originated in the Senate of the following title:

S. Res. 26. Resolution indorsing the action of the members of Congress from Kentucky in their efforts to pass a bill to commemerate the memory of the North American Indians and preserve the relics thereof.

Said resolution reads as follows, viz.:

Whereas, there is now a bill pending before the Congress of the United States, in which measure it is sought to take steps to commemorate the memory of the North American Indians and preserve the relics thereof, and,

Whereas, the Great Sachem of the I. O. R. M. of Kentucky has received from the Honorable Swagar Sherley, Ben Johnson and J. Campbell Cantrill and other members of the House of Representatives of Kentucky in the Congress of the United States letters approving of the passage of said bill,

Therefore, be it resolved that we, the General Assembly of the Commonwealth of Kentucky hereby endorse the action of our Representatives in the Congress of the United States in their efforts to secure the passage of said bill, and call upon the Honorable Thomas H. Paynter, Wm. O. Brad-

ley and the Senator elect, Ollie M. James, to lend their assistance in the passage of said bill.

Said resolution was concurred in.

The House took up for consideration from the Clerk's desk a resolution which originated in the Senate of the following title:

S. Res. 30. Resolution providing payment of ministers of the City of Frankfort.

Said resolution reads as follows, viz.:

Whereas, the ministers of the City of Frankfort have been very kind, prompt and efficient in complying with the request of the General Assembly in opening each day's session of the Senate and House of Representatives with prayer,

Therefore, Be it resolved by the Senate, the House of Representatives concurring, that each of the ministers having opened the session with prayer—seven in number—be allowed fifty dollars each, to be paid out of any money in the Treasury not otherwise appropriated, and the Chief Clerk of the Senate and the Chief Clerk of the House will draw vouchers on the Auditor for the payment of the ministers who served in their respective Houses.

Said resolution was concurred in.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	J. M. Bean	A. V. Bertram
Robt. H. Akin	Eli Berry	H. C. Blades

John F. Brewer
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
W. L. Craig
Elkanah Dickey
Francis B. Douglas
G. L. Drury
Ben F. Egleston
J. H. Elder
John M. Farra
S. Walton Forgy
John F. Fryer
Allie T. Gaines
T. J. Gregory
A. B. Hatton
A. B. Holland
John W. Holland
W. J. Jackson
Green R. Keller
M. C. Kirk
Charles H. Knight
William J Kuh
James A. Leach
F. A. Lochry
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben F. Niles
L. B. Owen
A. W. Palmer
W. F. Parker
J. R. Paxton
William A. Perry
S. L. Robertson
Robt. H. Scott
W. H. Shanks
W. A. Shawler
W. Scott Smith
Adam Spahn
A. H. Stamper
John G. Stoll
Henry Thomas
E. B. Thompson
B. S. Wilson
—59

A message was received from the Governor announcing that he had approved and signed enrolled bills which originated in the House of Representatives of the following, titles, viz.:

H. B. 206. "An act to amend and re-enact Section Four Thousand Six Hundred and Eighty-three A of the Kentucky Statutes."

H. B. 209. "An act for the benefit of the Attorney General's office, allowing twelve hundred dollars annually for additional clerk hire."

H. B. 91. "An act to provide for the sale and purchase of the assets of a corporation created under the laws of this Commonwealth, whose charter will expire within two years from the date of such sale and purchase."

H. B. 29. "An act to regulate the time of holding the terms of the Circuit Court in the Twentieth Judicial District."

H. B 99. "An act to amend an Act amending Section 965 of the Kentucky Statutes, relating to the time of holding Circuit Courts in the Eighth Judicial District."

H. B. 28. "An act to amend an act entitled 'An act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths.'"

H. B. 103. "An act to amend Chapter 113, Article 6a, Carroll's Kentucky Statutes, 1909 (page 133, Act of March 24, 1908) Districts, Trustees, Teachers, Taxation."

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 77. An act to amend Section 753 Civil Code of Practice.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 753 of the Civil Code of Practice be amended by adding thereto the following words:

4. In any case where the appeal is granted by the inferior court or where the appellee has been summoned if the appeal is granted by the clerk of the Court of Appeals, the

Court of Appeals may at any time in its discretion, after the transcript is filed, on motion of either party upon reasonable notice to the adverse party, order the appeal docketed, advanced and set for hearing upon a day to be fixed by the court. So that the section as amended will read as follows:

"Appeals shall stand for trial during the first term twenty days before which the transcript is filed in the clerk's office, if

1. The appeal be granted by the inferior court; or

2. The appearance of the appellee be entered five days before the day on which the case is set for trial on the docket; or

3. The appellee be summoned actually twenty days, or constructively thirty days, before said day.

§ 4. In any case where the appeal is granted by the inferior court or where the appellee has been summoned, if the appeal is granted by the clerk of the Court of Appeals, the Court of Appeals may, at any time in its discretion, after the transcript is filed, on motion of either party upon reasonable notice to the adverse party, order the appeal docketed, advanced and set for hearing upon a day to be fixed by the court."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	John F. Fryer	J. R. Paxton
Robt. H. Akin	Allie T. Gaines	William A. Perry
Eli Berry	T. J. Gregory	Marion F. Pogue
A. V. Bertram	Joe Hall	W. A. Price
Thos. M. Bertram	John W. Holland	S. H. Rogers
John F. Brewer	James R. Howell	W. H. Shanks
Hiram Brown	W. J. Jackson	Walter S. Sinclair
Wallace Brown	Green R. Keller	W. Scott Smith
Wm. L. Bowling	M. C. Kirk	Adam Spahn
C. W. Burton	Charles H. Knight	A. H. Stamper
G. E. Carroll	James A. Leach	John G. Stoll
George P. Chinn	F. A. Lochry	Henry Thomas
W. Frank Cole	Harry J. Meyers	E. B. Thompson
Elkanah Dickey	S. F. Middleton	D. B. Thurman
Francis B. Douglas	R. C. McClure	E. B. Wiley
G. L. Drury	W. N. McCubbin	B. S. Wilson
Ben F. Egleston	C. B. Nichols	Charles Yancy
J. H. Elder	L. B. Owen	Edward L. Young
John M. Farra	Luther C. Owings	—58
S. Walton Forgy	W. F. Parker	

Those who voted in the negative were—

D. Clarence Gray

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration fro mhte Orders of the Day a bill entitled:

S. B. 56. An act to provide for the inspection of bulls, cows and calves held and owned within the State for the

testing of same for the destruction of same having tuberculosis and prescribing a penalty for using reacting animals for various purposes.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Fiscal Court of each county in this State, upon the recommendation of the County Board of Health in such county, or upon the recommendation of the General Council of any city or town, may select a duly qualified veterinarian in such county whose duty it shall be to examine and inspect, once in each year, all bulls, cows and calves held and owned in such county, at the expense of such county, for the purpose of detecting tuberculosis among same, and to apply the tuberculin test to such cattle owned and held in such county in the State of Kentucky, at the expense of such county, provided such veterinarian, selected as aforesaid, shall discover physical evidence of the existence of tuberculosis in such cattle in said county, proposed to be tested. If the owner of such cattle, proposed to be tested, should object to such test being applied, upon the ground that such cattle do not show physical evidences of tuberculosis, then said owner shall have the right, at his own expense, to designate a veterinarian to examine such cattle; and if said veterinarian so selected agrees with the said veterinarian representing the county, that such cattle show physical evidences of tuberculosis, then said cattle shall be tested with the tuberculin test; bu in the event said veterinarian does not agree with the veterinarian, selected by the Fiscal Court, that there are physical evidences of such disease, then said two veterinarians shall thereupon select a third veterinary, who resides in the neighborhood, where

said cattle are located, who shall examine said cattle; and the decision of said third person so selected shall be final as to whether or not physical evidences of the existence of such disease exist.

The owner of any animal or animals reacting to the tuberculin test, and showing physical evidences of tuberculosis, may, in the discretion of the veterinarian selected by the Fiscal Court, as aforesaid, be given a reasonable time in which to prepare such animal for slaughter, provided said animal is isolated from other cattle (of the same kind), if such reacting animal, in the opinion of said veterinarian, would, when slaughtered, be fit for food; but, if such animal, when slaughtered, would not, in the opinion of said veterinarian, be fit for food, then the same shall be destroyed at the expense of the owner thereof.

§ 2. That hereafter the State Board of Health shall not apply, nor cause to be applied by any officer, agent or employee, the tuberculin test to bulls, cows or calves owned and held in this State.

§ 2a. That no city nor town shall apply or cause to be applied by any officer, agent or employee, the tuberculin test to bulls, cows or calves owned or held in this State or require same to be applied, except as indicated in section 1 hereof, to any cows from which milk or other dairy products are furnished to said city or town.

§ 3. No animal, reacting to the tuberculin test, applied as herein provided, shall be used for dairy purposes thereafter, and any person, firm or corporation using such animal for dairy purposes thereafter shall be guilty of a misdemeanor and on conviction shall be subject to a fine of not less than ten ($10.00) dollars, nor more than fifty ($50.00) dollars.

§ 4. All law or parts of laws in conflict, or inconsistent with the provisions of this Act, are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Consitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl
Robt. H. Akin
George Baker
J. M. Bean
A. V. Bertram
Thos. M. Bertram
H. C. Blades
John F. Brewer
Hiram Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
W. Frank Cole
W. L. Craig
F. B. Douglas
G. L. Drury
Ben F. Egleston
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Joe Hall
Elwood Hamilton
V. D. Hammond
A. B. Hatton
L. B. Herrington
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
John G. Kelley
W. E. King
M. C. Kirk
William J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
Hugh Mahin
B. J. Matthews
Emanuel Meyer
S. F. Middleton
W. N. McCubbin
C. B. Nichols
Luther C. Owings
W. F. Parker
J. R. Paxton
John A. Polin
S. L. Robertson
H. A. Schoberth
Robert H. Scott
W. A. Shawler
Walter S. Sinclair
W. Scott Smith
A. H. Stamper
Henry Thomas
E. B. Thompson
D. B. Thurman
E. B. Wiley
Chas. Yancey
Edward L. Young
—64

Those who voted in the negative were—

E. Bishop	Chas. D. McCrea	S. H. Rogers
Wallace Brown	A. W. Palmer	W. H. Shanks
Elkanah Dickey	William A. Perry	John G. Stoll
J. H. Elder	Marion F. Pogue	Yeaman Watkins
Green R. Keller	W. A. Price	J. H. Williams
Charles H. Knight	Stanley F. Reed	B. S. Wilson

—18

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 100. An act concerning Circuit Courts having seven judges.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in every district entitled to seven circuit judges each office of circuit judge shall be voted for separately. The ballots shall specify as follows: For judge of the circuit court, criminal branch; for judge of the circuit court, chancery branch, first division; for judge of the circuit court, chancery branch, second division; for judge of the circuit court, common pleas branch, first division; for judge of the circuit court, common pleas branch, second division; for judge of the circuit court, common pleas branch, third division; for judge of the circuit court, common pleas branch, fourth division.

The person receiving the largest number of legal votes, marked criminal branch shall be elected; and, in like man-

ner, persons receiving respectively the largest number of legal votes marked chancery branch, first division; chancery branch, second division; common pleas branch, first division; common pleas branch, second division; common pleas branch, third division; common pleas branch, fourth division, shall be respectively elected. In case of a tie in any of said elections the result shall be decided as in case of a tie vote between two or more candidates for a single office.

§ 2. This act shall apply to the filling of vacancies in the office of circuit judges of such district.

§ 3. Each of said judges shall be commissioned as a circuit judge for the district for which he is elected, and shall have all the powers of a circuit judge, and shall receive the same compensation.

§ 4. Every circuit court in the Commonwealth having seven judges shall have seven branches to be named respectively, criminal branch; chancery branch, first division; chancery branch, second division; common pleas branch, first division; common pleas branch, second division; common pleas branch, third division; common pleas branch, fourth division.

§ 5. Every such court shall have continuous session.

§ 6. For the purpose only of making up the issues whenever twelve equitable actions or special proceedings are unassigned, the clerk shall, in the presence of one of the seven judges, write the style or number of each of said causes upon a separate card or slip of paper and place the said twelve cards or slips in a box or receptable therefor prepared, and the judge shall, in person, draw them indiscriminately therefrom, one at a time, and assign them to the several divisions,

giving to the chancery branch, first division, the first six drawn; to the chancery branch, second division, the next six drawn; and whenever twelve actions or special proceedings not equitable are unassigned, said judge shall, in person, in like manner draw and assign them to the four divisions of the common pleas branch, giving to the first division the first three drawn, to the second division the next three drawn, to the third division, the next three drawn, and to the fourth division the last three drawn.

Statements of said drawing shall be at once made in writing in ink, and signed by the judge in duplicate, one to be retained by the judge and one by the clerk. When an action is assigned according to law to its proper division, the clerk shall stamp the name of said division upon the petition filed and the rule docket and thereafter pleadings filed in said case shall indicate the division in which they are filed.

Until said causes or proceedings are so assigned, any order or orders required therein may be made by any one of said seven judges.

Of cases within the jurisdiction of the court, all criminal prosecutions and proceedings on bail bonds and recognizances in criminal cases shall be brought and prosecuted in the criminal branch.

Actions and proceedings in the other branches and divisions shall be tried in such branches and divisions according to rules of court to be made in general term; but the rules shall provide for the trial of cases in the common pleas branch, after the issues are made up, in any of the divisions which may not be engaged when the cases are ready for trial without regard to the assignments of the cases as above re-

quired; so that when a case is ready for trial it shall be taken up by the first division, which becomes disengaged; but the rules may provide for the sending of cases to other divisions for trial where a judge to whom it may be sent for trial for any reason may deem sufficient.

§ 7. Each judge of the said court shall preside over the branch of the court to which he is elected during his entire term of office, except as hereinafter provided. The judge elected by ballots marked criminal branch shall, during his entire term, preside over the criminal branch; the judge elected by ballots marked chancery branch, first division, shall, during his entire term, preside over the first division of said branch; the judge elected by ballots marked chancery branch, second division, shall, during his entire term, preside over the second division of said branch; the judge elected by ballots marked common pleas branch, first division, shall, during his entire term, preside over the first division of said branch; the judge elected by ballots marked common pleas branch, second division, shall, during his entire term, preside over the second division of said branch; the judge elected by ballots marked common pleas branch, third division, shall, during his entire term, preside over the third division of said branch, and the judge elected by ballots marked common pleas branch, fourth division, shall, during his entire term, preside over the fourth division of said branch.

When a vacancy is filled the judge appointed or elected to fill the same shall preside over the branch and division presided over by the judge whose place has become vacant; and if more than one vacancy is filled at any election, the judges so filling them shall preside over the branches respectively designated by the ballots electing them.

§ 9. Proceedings in such court shall be valid when prosecuted in any branch or division thereof.

§ 10. Any judge presiding over one branch or division of said court may hear and determine any case or question in any other branch or division.

§ 11. When, for any cause, the judge presiding over any branch or division of such court fails to attend, the judge presiding over any other branch or division may attend and hold said court for the occasion. If no judge presiding over any branch or division of such court attends, the attorneys of said court in attendance thereon shall elect one of their number, having the qualifications of a circuit judge, to hold court for the occasion. Such special judge shall have the powers of a circuit judge.

§ 12. There shall be summoned by the sheriff of the county twelve grand jurymen, to attend on the first Monday of the next month, excepting the month of September, when they shall attend on the third Monday (excepting July and August) the criminal branch of such court.

§ 13. Bail bonds shall provide for the appearance of the accused on a day certain; and summons in criminal cases shall require the appearance on the first Monday of some month named therein.

§ 14. In all criminal or penal cases in which an act is required to be done, or motion made, or case set for trial at a given term by the law applicable to courts having terms, such act shall be done or motion made or case set for trial on a day of a corresponding month, as if each month, beginning with the first Monday of a calendar month and ending with the Saturday before the first Monday of the next calendar month, were a term.

§ 15. The judge of the Circuit Court presiding in the criminal branch of the Circuit Court of each judicial district of this Commonwealth, having five or more judges, may, in his discretion, appoint an official interpreter, who shall be appointed for a term of four years, and until his successor is appointed and qualified.

§ 16. No person shall be eligible to the position of official interpreter who is not able to speak fluently the English and and German languages, and to interpret one of these languages into the other.

§ 17. It shall be the duty of said interpreter to be present at all sessions of the criminal branch of said circuit, and to interpret the evidence or statements of parties or witnesses in said court when directed to do so by the judge thereof.

§ 18. Before entering upon his duties as such interpreter, he shall be required to take the oath required of all officers of this Commonwealth, and shall further swear that he will, to the best of his ability, true interpretation make in all matters and controversies in said court wherein he is directed to interpret.

§ 19. The said interpreter shall receive an annual salary, to be fixed by the presiding judge of said criminal branch of such Circuit Court, not to exceed the sum of six hundred dollars, to be paid in monthly installments out of the county treasury.

§ 20. The said court shall, in general term, make rules of said court, and shall have power from time to time, to change such rules. Such rules shall be binding on each branch and division of said court until changed in general term.

A general term of said court shall be held on the first Mondays in January and July in every year, and also at such other times as the court shall, by rule, appoint; and all appointments of commissioners and receiver shall be made in general term by order entered on the order book of the said court. General terms of the said court may also, in writing, be called from time to time by any three of the judges.

Besides the order books and the judgment books of the several branches and divisions of said court, the clerk of said court shall keep an order book of the general term, wherein shall be entered all rules made and other business transacted at general terms.

§ 21. Such courts shall have control over its judgment for sixty days as Circuit Courts having terms have over their judgments during the term in which they are rendered.

§ 22. Such court may, in actions for sale of real property, determine summarily, with or without written pleadings, the amount of any State or municipal tax or assessment upon the property to be sold, and shall provide for the payment of the same in the judgment; and if the plaintiff fail to ask therefor, the purchaser shall be entitled, at any time before payment of the purchase price, to a credit for the amount thereof.

§ 23. The regular judges at any general term of the court, any four concurring, shall appoint a commissioner and a receiver of the court, who shall hold their office during four years, unless removed, as they may be, at the pleasure of the court in general terms, any four of the regular judges concurring. The commissioner shall discharge the duties and have the powers appertaining to the office of a master in chancery and as provided by law and the rules of the court. The re-

ceiver shall receive, care for and deposit all the moneys and property that may be paid or deposited into court, and shall disburse the same upon the orders of the court as provided by law and the rules of the court. Before entering upon the discharge of their duties, the commissioner and the receiver shall appear in open court, execute bond according to law and take an oath that they will honestly, impartially and to the best of their judgment discharge all he duties of their offices without favor or respect of persons, and render true and just reports and accounts of their actions and doings as such.

§ 24. An action on the official bond of the clerk, commissioner, receiver or depository of the court may be brought in said court as other actions of which it has jurisdiction.

§ 25. Any person interested may sue on any of the bonds mentioned in the preceding sections of this act for a breach thereof; and any branch of the court may, by rule and attachment against the obligors therein, enforce their performance.

§ 26. Transfers may be made between said branches and divisions in all cases in which a common fund is involved in litigation either by way of attachment or otherwise, so that the distribution of the fund may be under the control of the branch of the court.

§ 27. In all districts where by law the number of circuit judges has been or shall be increased from six to seven, and as soon as the additional judges shall be elected and qualified, the judges of the several branches and divisions of the courts, previously composed of six judges, shall, during the remainder of their terms, preside over the several branches and divisions of such courts composed of seven judges, as follows: The judges of the chancery divisions of

such courts, composed of six judges, shall preside over the two divisions of the chancery branches of such courts composed of seven judges; the judges of the common pleas divisions of said courts, composed of six judges, shall preside over the first three divisions of the common pleas branches of such courts composed of seven judges; the judges of the criminal divisions of such courts, composed of six judges, shall preside over the criminal branches of such courts composed of seven judges and the judge added to such courts, previously composed of six judges, shall preside over the fourth division of the common pleas branches respectively of such courts composed of seven judges.

§ 28. Whenever the number of judges of a Circuit Court shall have been increased from six to seven, all causes then pending shall be thereafter respectively determined in the branches and divisions presided over by the judges before whom such causes were pending in the courts having six judges, subject, however, to the other provisions of this act as to their being transferred, heard and determined by other judges.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton	J. M. Bean	A. V. Bertram
George Baker	Eli Berry	Thos. M. Bertram

E. Bishop
H. C. Blades
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Sidney G. Clay
W. Frank Cole
Elkanah Dickey
F. B. Douglas
G. L. Drury
Ben F. Egleston
John M. Farra
John F. Fryer
Allie T. Gaines
D. Clarence Gray
T. J. Gregory
Elwood Hamilton
V. D. Hammond
John W. Holland
R. Dillard Hunter
Earl C. Huntsman
W. J. Jackson
W. E. King
M. C. Kirk
Charles H. Knight
James A. Leach
F. A. Lochry
B. J. Matthews
Harry J. Meyers
S. F. Middleton
R. C. McClure
Chas. D. McCrea
W. N. McCubbin
Luther C. Owings
A. W. Palmer
W. F. Parker
William A. Perry
Marion F. Pogue
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. H. Shanks
Adam Spahn
Henry Thomas
C. B. Thompson
Louis B. Tieman
Yeaman Watkins
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—63

Those who voted in the negative were—

A. B. Hatton

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 101. An act to authorize and to add one additional judge to the Circuit Court for the Thirtieth Circuit Court District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, it appears by the last enumeration that the Thirtieth Circuit Court District has increased in population more than forty thousand, therefore, one additional judge of the Circuit Court for said Thirtieth Circuit Court District is hereby authorized and added to said court.

§ 2. Such additional judge shall preside over a branch of said court to be called Common Pleas Branch, Fourth Division.

§ 3. An election of such additional judge shall be held at the regular election to be held in November, 1912. He shall take his seat on the first Monday in January, 1913; shall be commissioned by the Governor and shall preside over a branch of the said court to be called Common Pleas Branch, Fourth Division; and he shall continue in office until his successor is elected and qualified. Until the first Monday in January, 1913, the place of such additional judge shall be filled by appointment of the Governor. He shall when appointed, be commissioned by the Governor as judge of the Jefferson Circuit Court, Common Pleas Branch, Fourth Division, and shall take his seat as soon as he shall have qualified and he shall continue in office until his successor is elected and shall have qualified.

§ 4. An election shall be held in the Thirtieth Circuit Court District to elect seven Circuit Judges on the first Tuesday after the first Monday in November, 1915, and every six years thereafter, under the general election laws of the Commonwealth; and said judges shall enter upon the duties of their respective offices on the first Monday in January next succeeding their election. They shall be commissioned by the Governor and continue in office until their successors are qualified.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	T. J. Gregory	Luther C. Owings
J. M. Bean	Elwood Hamilton	A. W. Palmer
A. V. Bertram	John W. Holland	W. F. Parker
Thos. M. Bertram	James R. Howell	William A. Perry
E. Bishop	R. Dillard Hunter	Marion F. Pogue
H C. Blades	Earl C. Huntsman	H. A. Schoberth
Hiram Brown	Green R. Keller	Robt. H. Scott
Wallace Brown	M. C. Kirk	W. Scott Smith
Wm. L. Bowling	Charles H. Knight	Adam Spahn
C. W. Burton	William J. Kuh	A. H. Stamper
G. E. Carroll	J. Albert Leach	John G. Stoll
George P. Chinn	F. A. Lochry	Henry Thomas
W. Frank Cole	Emanuel Meyer	C. B. Thompson
F. B. Douglas	Harry J. Meyers	E. B. Thompson
G. L. Drury	S. F. Middleton	D. B. Thurman
J. H. Elder	R. C. McClure	Louis B. Tieman
John F. Fryer	Chas. D. McCrea	E. B. Wiley
Allie T. Gaines	W. N. McCubbin	Charles Yancy
D. Clarence Gray	Ben F. Niles	—56

Those who voted in the negative were—

Henry Chunn	W. J. Jackson	W. A. Shawler
A. B. Hatton	John G. Kelley	Edward L. Young
		—6

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 308. An act to amend Section 217 of Subsection 8 of 217a of Article 1 and Section 272 of Article 11, Chapter 16, Kentucky Statutes Carroll's 1909 edition, said Chapter being entitled therein Charitable Institutions.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 217 of Article 1, Chapter 16, Carroll's 1909 edition of the Kentucky Statutes, it being a section of an act of March 10, 1894, be and the same is hereby amended by striking out in the eighth and ninth lines thereof the words, "Eastern Kentucky Asylum for the Insane," and by inserting in lieu thereof, "Eastern State Hospital," by striking out in the ninth and tenth lines the words, "Central Kentucky Asylum for the Insane," and inserting in lieu thereof "Central State Hospital," by striking out in the tenth and eleventh lines thereof, "Western Kentucky Asylum for the Insane," and inserting in lieu thereof, "Western State Hospital," so that said section when so amended shall read as follows:

"The charitable institutions herein mentioned are continued under their present organization and the control of their prenest commissioners; and the commissioners, superintendents and other officers shall hold their respective offices for the term for which they were respectively appointed, but subject to removal according to law. Each institution is declared to be a body politic and corporate, for the benefit of the State, under the following corporate names: That at Lexington, by the name of the 'Eastern State Hospital;' that

at Lakeland, by the name of the 'Central State Hospital;' that at Hopkinsville, by the name of the 'Western State Hospital;' that at Frankfort, by the name of he 'Kentucky Institution for Feeble-Minded Children;' and by such names each of said institutions shall have perpetual succession; may sue and be sued, contract and be contracted with, have and use a common seal, receive any gift or devise in aid of the objects of the institution, and shall have all other rights and powers consistent with law, and incident to corporations, and which are necessary and proper for carrying out the purposes for which it is established. The said institutions are severally invested with the title of the property and the rights of action now held by them respectively."

§ 2. That Subsection 8 of 217a of Article 1, Chapter 16, Carroll's 1909 edition of the Kentucky Statutes, it being section as amended by an act of March 21, 1908, be and the same is hereby amended by striking out in the seventh and eighth lines thereof the words "one hundred and fifty dollars per annum" and by inserting in lieu thereof the words "one hundred and fifty-five dollars per annum," so that when said subsection is so amended, it shall read as follows:

"The Board of Control and the superintendent of each institution named in this act shall, at the end of each month, jointly certify to the Auditor of Public Accounts the number of inmates actually supported by the institution, specifying the number who do not pay anything, the number who pay in full, and the number who pay in part, and the amount so paid; and in no event shall the amount paid to any institution exceed one hundred and fifty dollars per annum for each pauper patient supported by said institution."

§ 3. That Section 272 of Article 3, Chapter 16, Carroll's 1909 edition of the Kentucky Statutes, it being a part of the act of March 10, 1894, be and the same is hereby amended by

striking out in the third line thereof the words, "one hundred and fifty dollars" and inserting in lieu thereof the words, "one hundred and fifty-five dollars," so that when so amended said section shall read as follows:

"There is appropriated annually for the support, maintenance and education of each pupil, the sum of one hundred and fifty-five dollars, to be paid in the manner and at the time provided in Article 1, of this Chapter, and the further sum of seven thousand five hundred dollars per annum, payable quarterly in advance, for the general support of the institution."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	Sidney G. Clay	Earl C. Huntsman
P. L. Atherton	W. L. Craig	Green R. Keller
George Baker	F. B. Douglas	W. E. King
J. M. Bean	G. L. Drury	M. C. Kirk
Eli Berry	J. H. Elder	William J. Kuh
Thos. M. Bertram	John M. Farra	F. A. Lochry
E. Bishop	Allie T. Gaines	Hugh Mahin
H. C. Blades	Elwood Hamilton	B. J. Matthews
Hiram Brown	V. D. Hammond	Emanuel Meyer
Wallace Brown	A. B. Holland	S. F. Middleton
Wm. L. Bowling	John W. Holland	R. C. McClure
George P. Chinn	James R. Howell	Chas. D. McCrea
Henry Chunn	R. Dillard Hunter	W. N. McCubbin

C. B. Nichols	Stanley F. Reed	C. B. Thompson
Ben F. Niles	S. L. Robertson	E. B. Thompson
Luther C. Owings	Robt. H. Scott	Louis B. Tieman
W. F. Parker	W. H. Shanks	E. B. Wiley
William A. Perry	Adam Spahn	B. S. Wilson
John A. Polin	John G. Stoll	Charles Yancy
W. A. Price	Henry Thomas	Edward L. Young

—60

Those who voted in the negative were—

Robt. H. Akin	T. J. Gregory	A. W. Palmer
John F. Brewer	Joe Hall	S. H. Rogers
C. W. Burton	W. J. Jackson	W. A. Shawler
Elkanah Dickey	John G. Kelley	W. Scott Smith
D. Clarence Gray	L. B. Owen	Yeaman Watkins

—14

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 359. An act providing for an annual tax on each one hundred dollars of value of the shares of stock in all life insurance companies chartered by and doing business in the State of Kentucky.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purposes of taxation, all life insurance companies chartered by and doing business in the State of Kentucky, shall pay to the State Treasurer for their stockholders, an annual tax on each one hundred dollars of value of its

shares at the same rate imposed upon other personal property for State purposes, and in addition said corporations shall pay to the local authorities in counties, cities, towns, and districts, taxes at the same rate imposed upon other personalty therein and shall, in all respects for taxation purposes be subject to the same regulation and law as banks and trust companies are.

§ 2. Any and all funds segregated and held by or for the customers or policy holders of such companies shall be deemed to be and shall be held and treated as deposits in banks and trust companies, and all said companies for taxation purposes shall be subject to and regulated by the laws of 1906, chapter 22, article 2, subdivision 2, governing taxation of banks and trust companies.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. Ahl	Wm. L. Bowling	John M. Farra
Robt. H. Akin	C. W. Burton	S. Walton Forgy
Eli Berry	George P. Chinn	Allie T. Gaines
A. V. Bertram	Henry Chunn	Elwood Hamilton
Thos. M. Bertram	F. B. Douglas	Joe Hall
E. Bishop	G. L. Drury	T. J. Gregory
John F. Brewer	Ben F. Egleston	D. Clarence Gray
Hiram Brown	J. H. Elder	V. D. Hammond
Wallace Brown	Eli Farmer	L. B. Herrington

A. B. Holland
John W. Holland
R. Dillard Hunter
W. J. Jackson
Green R. Keller
M. C. Kirk
Charles H. Knight
William J. Kuh
F. A. Lochry
Hugh Mahin
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
Chas. D. McCrea
W. N. McCubbin
C. B. Nichols
L. B. Owen
Luther C. Owings
W. F. Parker
J. R. Paxton
William A. Perry
John A. Polin
W. A. Price
S. L. Robertson
S. H. Rogers
H. A. Schoberth
Robt. H. Scott
W. A. Shawler
Adam Spahn
E. B. Thompson
Louis B. Tieman
B. S. Wilson
Edward L. Young
—62

Those who voted in the negative were—

W. H. Shanks

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration a bill entitled:

S. B. 75. An act to prevent process of prisoners arrested charged with crime, and to prevent the admission as evidence of confessions obtained by such process in the State of Kentucky.

(For bill see Journal of yesterday.)

Mr. J. W. Holland moved to reconsider the vote by which said bill was rejected on yesterday.

Said motion was agreed to.

Mr. J. W. Holland moved that the vote by which said bill was ordered to its third reading be reconsidered.

Said motion was agreed to.

Mr. Herrington moved that the vote by which the House on yesterday refused to adopt an amendment offered to said bill by Mr. Knight be reconsidered.

Said motion was agreed to.

The said amendment was then adopted.

Ordered that the said bill be read the third time.

The provision of the Constitution as to the third reading of the said bill at length being dispensed with said bill was read the third time by its title and as amended passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, namely:

Those who voted in the affirmative were—

Robt. H. Akin	Joe Hall	S. F. Middleton
J. M. Bean	Elwood Hamilton	R. C. McClure
Thos. M. Bertram	A. B. Hatton	W. N. McCubbin
E. Bishop	L. B. Herrington	Luther C. Owings
Wallace Brown	A. B. Holland	Marion F. Pogue
Wm. L. Bowling	John W. Holland	John A. Polin
G. E. Carroll	James R. Howell	H. A. Schoberth
W. Frank Cole	Earl C. Huntsman	Robt. H. Scott
W. L. Craig	Green R. Keller	W. H. Shanks
Elkanah Dickey	John G. Kelley	John G. Stoll
G. L. Drury	W. E. King	Henry Thomas
J. H. Elder	M. C. Kirk	D. B. Thurman
Eli Farmer	James A. Leach	Yeaman Watkins
S. Walton Forgy	F. A. Lochry	E. B. Wiley
John F. Fryer	Emanuel Meyer	J. H. Williams
Allie T. Gaines	Harry J. Meyers	Edward L. Young

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Those who voted in the negative were—

Wm. Ahl	Ben F. Egleston	L. B. Owen
Eli Berry	D. Clarence Gray	A. W. Palmer
A. V. Bertram	T. J. Gregory	J. R. Paxton
H. C. Blades	V. D. Hammond	William A. Perry
John F. Brewer	R. Dillard Hunter	W. V. Perry
C. W. Burton	W. J. Jackson	W. A. Price
George P. Chinn	Charles H. Knight	Stanley F. Reed
Henry Chunn	Hugh Mahin	S. H. Rogers
Sidney G. Clay	B. J. Matthews	A. H. Stamper
Francis B. Douglas	C. B. Nichols	E. B. Thompson

—30

The House took up for consideration a bill entitled:

S. B. 60. An act to amend an act entitled "An act for the benefit of the Kentucky Home Society for Colored Children," approved March 15, 1910.

(For said bill see Journal of yesterday.)

The motion made on yesterday to reconsider the vote by which said bill failed to pass was agreed to.

The question being taken on the passage of said bill was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, namely:

Those who voted in the affirmative were—

Wm. Ahl	John F. Brewer	George P. Chinn
Eugene G. Asher	Hiram Brown	Sidney G. Clay
George Baker	Wm. L. Bowling	W. Frank Cole
Eli Berry	C. W. Burton	G. L. Drury

Ben F. Egleston	Emanuel Meyer	W. H. Shanks
J. H. Elder	Harry J. Meyers	W. A. Shawler
Eli Farmer	R. C. McClure	Walter S. Sinclair
S. Walton Forgy	Chas. D. McCrea	W. Scott Smith
John F. Fryer	W. N. McCubbin	Adam Spahn
Earl C. Huntsman	A. W. Palmer	John G. Stoll
John G. Kelley	W. F. Parker	Henry Thomas
Charles H. Knight	William A. Perry	E. B. Thompson
William J. Kuh	W. V. Perry	D. B. Thurman
James A. Leach	Marion F. Pogue	Yeaman Watkins
J. Albert Leach	John A. Polin	J. H. Williams
F. A. Lochry	W. A. Price	B. S. Wilson
Hugh Mahin	S. L. Robertson	—53
B. J. Matthews	Robt. H. Scott	

Those who voted in the negative were—

J. M. Bean	T. J. Gregory	Luther C. Owings
A. V. Bertram	Joe Hall	Stanley F. Reed
E. Bishop	Elwood Hamilton	S. H. Rogers
H. C. Blades	V. D. Hammond	C. B. Thompson
Henry Chunn	A. B. Hatton	Louis B. Tieman
Elkanah Dickey	A. B. Holland	E. B. Wiley
Francis B. Douglas	W. J. Jackson	Edward L. Young
D. Clarence Gray	W. E. King	—23

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 105. An act to amend section 2557a Kentucky Statutes relating to the sale of intoxicating liquors.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1, chapter 30, of the Acts 1898, entitled, "An act to prohibit the sale, barter or loan of any

intoxicating beverage, liquid, mixture or decoction in local option districts of this State and providing a penalty therefor," it being section 2557a of the Kentucky Statutes of the edition of 1909 as compiled by Hon. John D. Carroll which section 2557a is a part of article 1, of chapter 81 of said Kentucky Statutes, be, and the same is hereby amended by adding in said section 2557a in the third line thereof after the word "beverage" and before the word "liquid" the words "containing any alcohol or any" and by adding at the end of said section after the word "act" the following words to-wit: "the possession of a United States special tax stamp (commonly called United States license) for carrying on the business of a retail dealer in spirituous, vinous or malt liquors or the having of such tax stamp or license stuck up at the place of business in such territory shall be prima facie evidence of guilt under this section." So that said section 2557a when so amended shall read as follows, to-wit:

Section 2557a. It shall be unlawful for any one to sell, barter or loan, directly or indirectly any beverage containing any alcohol; or any liquid, mixture or decoction of any kind which produces or causes intoxication in any county, city, town, district or precinct in which the sale, barter or loan of spirituous, vinous or malt liquors is or shall be prohibited in accordance with the local option law. Any person who shall sell, barter or loan, directly or indirectly, any such beverage, liquid mixture or decoction in any such county, city or town, district or precinct, shall, upon conviction be fined the sum of not less than twenty nor more than one hundred dollars for each offense or any sale, barter or loan of any article with the agreement expressed or implied that the right or title to or possession of any such beverage, liquid mixture or decoction, shall also pass, shall be considered a sale, barter or loan within the terms of this

act. The possession of a United States special tax stamp (commonly called United States license) for carrying on the business of a retail dealer in spirituous, vinous or malt liquors, or the having of such tax stamp, or license at the place of business in such territory shall be prima facie evidence of guilt under this section.

Provided, That nothing herein shall prohibit the sale, barter or loan, or having in the custody or possession of any person, any beverage, liquid, mixture or decoction, for the sale of which the United States does not require the payment of the special tax on retail liquor dealers.

Mr. Clay offered the following amendment to said bill,

Amend by adding the following section,

"The third conviction of an offense under this act shall constitute a felony, punishable by imprisonment in the penitentiary of not less than six months nor more than two years."

Said amendment was disagreed to.

Mr. Thurman offered the following amendment,

Amend section 1, line 26 by inserting the words "Or Coca Cola" after the word decoction.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The provision of the Constitution as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, namely:

Those who voted in the affirmative were—

William Ahl	Allie T. Gaines	C. B. Nichols
Robt. H. Akin	D. Clarence Gray	Ben F. Niles
P. L. Atherton	T. J. Gregory	L. B. Owen
George Baker	Joe Hall	A. W. Palmer
J. M. Bean	V. D. Hammond	W. F. Parker
A. V. Bertram	A. B. Hatton	J. R. Paxton
Thos. M. Bertram	A. B. Holland	W. V. Perry
E. Bishop	John W. Holland	Marion F. Pogue
H. C. Blades	James R. Howell	W. H. Shanks
John F. Brewer	R. Dillard Hunter	Robt. H. Scott
Hiram Brown	Earl C. Huntsman	W. A. Shawler
Wm. L. Bowling	W. J. Jackson	W. Scott Smith
G. E. Carroll	Green R. Keller	A. H. Stamper
George P. Chinn	John G. Kelley	Henry Thomas
Henry Chunn	W. E. King	C. B. Thompson
Elkanah Dickey	M. C. Kirk	E. B. Thompson
Francis B. Douglas	James A. Leach	Louis B. Tieman
G. L. Drury	B. J. Matthews	Yeaman Watkins
Ben F. Egleston	S. F. Middleton	E. B. Wiley
J. H. Elder	R. C. McClure	B. S. Wilson
Eli Farmer	Chas. D. McCrea	Charles Yancy
John M. Farra	W. N. McCubbin	—65

Those who voted in the negative were—

C. W. Burton	William J. Kuh	John A. Polin
Sidney G. Clay	Emanuel Meyer	John G. Stoll
W. L. Craig	Harry J. Meyers	
Charles H. Knight	William A. Perry	—10

A message was received from the Senate announcing that they had concurred in amendments proposed by the House of Representatives to bills which originated in the Senate of the following titles:

S. B. 11. An act changing and fixing the date for holding courts in the Twenty-seventh judicial district of Kentucky.

S. B. 75. An act to prevent sweating process of prisoners arrested charged with crime and to prevent the admission as evidence of confessions obtained by such process in the State of Kentucky.

And had passed said bills as amended.

That they had adopted a resolution which originated in the Senate entitled,

Resolution requesting our Senators and Representatives in Congress to urge the passage of bills to pay certain citizens of Cynthiana, Kentucky, for the property taken for the use of, and used by the army of the United States, and destroyed by fire June 11, 1864.

That they had passed bills and concurred in joint resolutions which originated in the House of Representatives of the following titles, viz.:

H. Res. 20. Resolution for the benefit of S. J. Gish, of Central City, Kentucky, refunding to him the sum of $1,143.40 collected from him for the State of Kentucky as back taxes.

H. Res. 21. Resolution providing for furnishing official manuals.

H. Res. 23. Resolution for the benefit of the copyist of the House of Representatives.

H. Res. 24. Resolution providing for the appointment a State Tax Commission, providing for the payment of necessary expenses thereof and appropriating money therefor.

H. Res. 27. Resolution authorizing William E. Riley, as Trustee in Bankruptcy of the Globe Printing Company, to institute suit against the Commonwealth for the recovery of money due the Globe Printing Company for books and printing done by said company for the county of Beckham.

H. B. 488. An act to authorize the Governor to appoint a commission of five veterans to attend the fiftieth anniversary of the battle of Gettysburg to be held on the battle ground July 1, 2, 3 and 4, 1913.

H. B. 447. An act to regulate the assignment, sale, mortgage and other transfer of wages to be earned or paid in the future, when a whole or a part of the consideration therefor is a sum of money less than $200.

H. B. 371. An act to amend section 273a, Carroll's edition 1909 of the Kentucky Statutes, giving to the Kentucky School for the Deaf, located at Danville, Kentucky, an educational classification.

H. B. 463. An act providing for the payment of premiums on bonds executed by certain State officers.

H. B. 258. An act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for Colored Persons.

H. B. 138. An act to further amend an act entiled, "An act for the benefit of the Kentucky Children's Home Society."

H. B. 257. An act to provide for officers of the State registering on the day of election.

H. B. 193. An act to amend an act entitled "An act creating a State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor" approved March 21, 1906, and being sections 37 and 38 of the Kentucky Statutes.

H. B. 65. An act creating the county of McCreary.

H. B. 213. An act to amend and re-enact Section 878 of the Kentucky Statutes which is a part of Article 7 of an act of April 5, 1893 entitled "Corporations—Private."

H. B. 195. An act to amend an act entitled "An act for the government of cities of the first class approved July 1, 1893, as amended by an act approved February 9, 1894, relating to Executive Boards.

H. B. 6. An act to change the name of Mt. Pleasant to Harlan and to put the ciy of Harlan in the fourth class.

H. B. 541. An act to amend the school laws of cities of the first class.

H. B. 511. An act to further regulate telephone companies.

H. B. 241. An act to repeal section 68 of the Kentucky Statutes relating to the dog law.

H. B. 178. An act to amend section 648a of the Kentucky Statutes, being an act of March 24, 1906, chapter 144, acts of 1906.

H. B. 143. An act to provide for the use of district schoolhouses out of school hours.

H. B. 453. An act to prohibit the use of name or brand of a manufacturer on labels without authority.

H. B. 220. An act to repeal subsection 5 of section 1403 of the Kentucky Statutes and substitute therefor, which act relates to the personal property set aside to widow or infants of an intestate.

H. B. 34. An act relating to Fiscal Courts.

H. B. 69. An act to repeal the charter of the Adairville public school district.

H. B. 72. An act entitled an act amending paragraph 1, section 606 of Carroll's 1906 edition of the Kentucky Criminal Code of Practice.

H. B. 548. An act to enable cities of the first class to construct an extension to their system for the disposition of sewerage.

H. B. 385. An act to repeal an act providing for the creation, control and disposition of a fund to be used in pensioning, under certain conditions, policemen and families of deceased policemen in cities of the first class, approved March 3, 1904, and to provide for the appointment of Trustees and the raising or creation, the management and disbursement of a fund to be employed in pensioning under conditions, providing policemen and the families of deceased policemen in cities of the first class.

H. B. 482. An act to amend an act entitled, "An act to provide for the establishment and maintenance in counties

which contain cities of the first class a hospital for the treatment of persons afflicted with tuberculosis.

H. B. 41. An act to provide a stenographer for the Commonwealth's Attorney in districts containing counties in this Commonwealth containing a population of 200,000 or over.

H. B. 35. An act to amend sections 909, 911 and 1632, Kentucky Statutes of 1909, compiled by Hon. John D. Carroll.

H. B. 203. An act to regulate the sale of opium and its alkaloidal salts or their derivatives, or of any admixture thereof.

With amendments to the two last named bills.

The House took up for consideration a bill entitled,

H. B. 35. An act to amend sections 909, 911 and 1632 of the Kentucky Statutes 1909, compiled by the Hon. John D. Carroll.

Together with an amendment proposed thereto by the Senate.

(For said bill see House Journal of February 1.)

The amendment proposed thereto by the Senate is as follows, namely:

Amendment to House Bill No. 35.

1. Amend section 1 of said bill by striking out the words and figures beginning with line 24 on page 2 of the printed

bill and down to and including line 30 and insert in lieu thereof the following:

In any county having an official Indexer the Judges of the Circuit Court of said county and the judge of the county court of said county, sitting jointly, may order any of the books or records in the county clerk's office or in the office of the clerk of the quarterly court or in the office of the surveyor of the county, or in the circuit clerks office to be rebound or when obliterated, torn or in a ruinous condition, to be transcribed in new books and said transcriptions shall be done by the Official Indexer without any extra compensation; but when, in the opinion of two-thirds of said judges, said indexer, on account of other pressing work shall not be able in due time to transcribe said old books into new books, said judges may order said work to be done by the clerk of any court mentioned above as to the books in his own office, and in the order directing said work to be done the amount of said work and the compensation therefor shall be fixed in advance by the vote of two-thirds of said judges; or they may receive bids for the performance of said work and may award the right to do the same to the lowest and best bidder under proper rules and regulations for the proper and safe excution of the same, with due regard to the importance of duly safeguarding the original records. The amount allowed for said work shall be chargeable to the county, and paid by the Fiscal court of said courty.

Said amendment was concurred in.

Said bill as amended was then finally passed.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, namely:

Those who voted in the affirmative were—

William Ahl	John F. Fryer	Chas. D. McCrea
Robt. H. Akin	Allie T. Gaines	C. B. Nichols
P. L. Atherton	D. Clarence Gray	L. B. Owen
George Baker	Joe Hall	Luther C. Owings
J. M. Bean	Elwood Hamilton	A. W. Palmer
Eli Berry	A. B. Hatton	W. F. Parker
Thos. M. Bertram	L. B. Herrington	J. R. Paxton
E. Bishop	A. B. Holland	William A. Perry
Wallace Brown	John W. Holland	Stanley F. Reed
Wm. L. Bowling	James R. Howell	Adam Spahn
C. W. Burton	Green R. Keller	E. B. Thompson
George P. Chinn	M. C. Kirk	D. B. Thurman
W. Frank Cole	Chas. H. Knight	E. B. Wiley
Sidney J. Collins	William J. Kuh	David W. Wiley
Elkanah Dickey	James A. Leach	B. S. Wilson
F. B. Douglas	F. A. Lochry	Charles Yancy
J. H. Elder	B. J. Matthews	Edward L. Young
Eli Farmer	Harry J. Meyers	—53
John M. Farra	S. F. Middleton	

Those who voted in the negative were—

W. J. Jackson	John A. Polin	W. Scott Smith
		—3

The House took up for consideration a bill entitled,

H. B. 203. An act to regulate the sale of opium and its alkaloidal salts or their derivatives or any admixture thereof.

Together with the amendment as proposed by the Senate thereto by way of substitute therefor.

(For said bill see House Journal of February 29.)

Said substitute amendment as proposed therefor by the Senate is as follows:

An act to regulate the sale of opium or its alkaloidal salts or their derivatives, or any admixture thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Opium of its alkaloidal salts or their derivatives, or any admixtures containing opium or its alkaloidal salts or their derivatives, shall be sold or dispensed only by a registered pharmacist upon the original written, dated and signed prescription of a legally licensed physician, or dentist or veterinary surgeon, and only one sale shall be made on said prescription, and each such prescription shall state upon its face the quantity of said opium, its alkaloidal salts or their derivatives, also the name of the patient and the date said prescription is filed. And opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives, shall be sold at wholesale only to registered pharmacists, legally qualified physicians, dentists and veterinary surgeons. Provided, however, that any preparation, patent, proprietary or otherwise, containing not more than two grains of opium or one-fourth of a grain of its alkaloidal salts or their derivatives to the ounce, or admixture of ipecac and opium commonly known as Dover's Powder, or the antispasmodic mixtures of the National Formulary Official at the time of sale, or lotions liniments, suppositories, ointments, and plasters, plainly labeled "For external use only" may be sold or dispensed by registered pharmacists without any prescription. Any registered pharmacist, legally licensed physician, dentists or veterinary surgeon, or any person not a registered pharmacist, licensed physician, dentist or veterinary surgeon, who shall prescribe for, procure for, or sell, or dispense to any person opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives,

or otherwise deal in the same for any purpose other than for the legitimate use as herein provided, shall thereby render himself amenable to the penalties as in this section provided. And provided further, that the provisions of this section shall not apply to the sales made by wholesale druggists to each other or to registered pharmacists or to legally licensed physicians, dentists or veterinary surgeons, or to hospitals sanatoriums, colleges, public and scientific institutions, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such praparations, nor to the sale at wholesale to general merchants or at retail by general merchants of patent or proprietary medicines containing not more than two grains of opium or one-fourth grain of morphine or one-fourth grain of heroin or three-fourths grain of codeine in one ounce. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty nor more than one hundred dollars.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

Said substitute was concurred in.

Said bill was then finally passed as amended.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, namely:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	Eli Berry
Robt. H. Akin	George Baker	A. V. Bertram
Eugene G. Asher	J. M. Bean	Thos. M. Bertram

E. Bishop
Hiram Brown
Wallace Brown
Wm. L. Bowling
C. W. Burton
G. E. Carroll
George P. Chinn
Henry Chunn
Sidney G. Clay
Sidney J. Collins
Elkanah Dickey
G. L. Drury
Ben E. Egleston
J. H. Elder
Eli Farmer
John M. Farra
John F. Fryer
Allie T. Gaines
T. J. Gregory
Joe Hall
V. D. Hammond
L. B. Herrington
A. B. Holland
John W. Holland
James R. Howell
W. J. Jackson
W. E. King
M. C. Kirk
Chas. H. Knight
Wm. J. Kuh
James A. Leach
J. Albert Leach
F. A. Lochry
B. J. Matthews
Emanuel Meyer
Harry J. Meyers
S. F. Middleton
R. C. McClure
W. N. McCubbin
C. B. Nichols
Ben E. Niles
L. B. Owen
Luther C. Owings
John A. Polin
W. A. Price
Stanley F. Reed
S. L. Robertson
S. H. Rogers
W. A. Shawler
W. Scott Smith
Adam Spahn
C. B. Thompson
D. B. Thurman
E. B. Wiley
J. H. Williams
B. S. Wilson
Charles Yancy
Edward L. Young
—67

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 42. An act creating a Parental Home and School Commission in counties containing cities of the first class, defining the powers and duties thereof and empowering and requiring Fiscal Courts to levy a tax to create funds for the purpose of this act.

Together with the amendment proposed thereto by the Senate.

(For said bill see House Journal of February 15.)

The amendments proposed thereto by the Senate are as follows, namely:

Amendments to House Bill No. 42.

1. Amend section 1, line 3, by striking out the word "five" and inserting in lieu thereof the word "seven," and further in the same line by striking out the word "two" and inserting in lieu thereof the word "three."

2. Amend section 1, line 5, by striking out the word "three" and inserting in lieu thereof the word "four."

Said amendments were concurred in.

Said bill was then finally passed as amended.

The yeas and nays being taken on the final passage of said bill in accordance with the provision of the Constitution were as follows, namely:

Those who voted in the affirmative were—

Robt. H. Akin	T. J. Gregory	R. C. McClure
A. V. Bertram	Joe Hall	W. N. McCubbin
Thos. M. Bertram	Elwood Hamilton	C. B. Nichols
E. Bishop	V. D. Hammond	Ben F. Niles
H. C. Blades	A. B. Hatton	Luther C. Owings
Wallace Brown	L. B. Herrington	A. W. Palmer
C. W. Burton	A. B. Holland	William A. Perry
George P. Chinn	John W. Holland	John A. Polin
Henry Chunn	James R. Howell	W. A. Price
Sidney G. Clay	Earl C. Huntsman	Stanley F. Reed
Elkanah Dickey	Green R. Keller	S. L. Robertson
F. B. Douglas	John G. Kelley	S. H. Rogers
G. L. Drury	W. E. King	Robert H. Scott
Ben E. Egleston	M. C. Kirk	W. H. Shanks
J. H. Elder	Chas. H. Knight	W. A. Shawler
Eli Farmer	Wm. J. Kuh	W. Scott Smith
John M. Farra	James A. Leach	Adam Spahn
John F. Fryer	F. A. Lochry	A. H. Stamper
Allie T. Gaines	Emanuel Meyer	John G. Stoll
D. Clarence Gray	Harry J. Meyers	Henry Thomas

C. B. Thompson Yeaman Watkins Charles Yancy
E. B. Thompson E. B. Wiley —67
D. B. Thurman B. S. Wilson

Those who voted in the negative were—

W. J. Jackson

—1

Mr. Keller offered the following resolution, viz.:

Whereas, The Kentucky State Capitol has been beautified by the two Lunnettes painted by Artist Gilbert White, and which have met with great commendation and approval, and

Whereas, Every Kentuckian filled with honest pride at the thought of having a commodious, beautiful and magnificient Capitol building, earnestly desires that the interior of same should be further beautified with other appropriate paintings and portrayals of historic scenes and incidents,

Therefore, be it resolved by the General Assembly of the Commonweatlh of Kentucky:

1. That the Commissioners of the Sinking Fund of Kentucky are authorized and empowered to carry out the mural decorations of the Capitol and may contract for the purpose of adding to the same, as they, the said Commissioners may deem best, as hereinafter stated.

2. That two years time or more may be required to complete said mural decorations and at this time it was deemed unnecessary to make any appropriations therefor. such action being deferred until the next session of the General Assembly.

3. That the said Commissioners shall award the said mural work to the best responsible applicants, and not less than one-half of said work to be awarded to Kentucky artists, providing his or their applications and work be of equal merit as those of his or their competitors. Artistic merit of plans and price of same being duly considered.

Said resolution was adopted.

Mr. Hamilton offered the following resolution, viz.:

Resolution thanking Thomas Wiard, Custodian of Public Buildings for services rendered during the Legislature.

Be it resolved by the House of Representatives: That this body duly appreciates the many favors and courtesies shown to it by Thomas Wiard, Custodian of Public Buildings.

We extend our thanks for the efficient way and manner in which he has taken care of and cared for our magnificient new Capitol, and we are especially thankful to him for the careful and painstaking attention given to the hall of the House of Representatives.

We commend him as a highly efficient officer in the discharge of his duties.

Said resolution was adopted.

Mr. J. W. Holland offered the following resolution, namely:

Be it resolved by the House of Representatives: That the thanks of this House be extended to the citizens of Frank-

fort for their kind consideration shown to the members of the General Assembly during the present session.

Said resolution was adopted.

Mr. Kirk offered the following resolution, viz.:

Whereas the official labors of this General Assembly are almost over, and the time is close at hand when we shall depart for our homes, and, whereas, in the discharge of our official duties we have been bound together by ties of love and friendship, which time cannot break asunder,

Therefore, be it resolved by the General Assembly of the Commonweatlh of Kentucky:

First. That we acknowledge our deep and lasting obligations to Hon. Claude B. Terrell, our honorable, capable and efficient Speaker, for this fairness and impartiality.

Second. That we acknowledge that we are under many and lasting obligations to James E. Stone, Chief Clerk, for his efficient and capable services as Clerk of this House. We also thank his efficient assistants, Mr. Wicker and Mr. Howes, who have been so faithful in the discharge of this duties.

Third. We also thank our faithful Sergeant-at-Arms and doorkeepers for the manner in which they have performed their duties.

Fourth. We also thank the litte Pages for the manner in which they have discharged their duty.

Fifth. To our enrolling clerks we return our sincere thanks for their efficiency and many kindnesses extended to the members of this House.

Sixth. We also thank the stenographers for the capable manner in which they have performed their services and for their many acts of kindness in the discharge of their duties.

Seventh. We also thank the Custodian and all other employees of teh House for the many favors extended the members of the House.

Eighth. We also thank each other for many favors and acts of kindness during all our deliberations in Committee and on the floor of the House.

Said resolution was adopted.

Mr. J. W. Holland offered the following resolution, viz.:

Be it resolved, That the thanks of the House of Representatives be extended to the Assembly Ball Club of Frankfort, Kentucky, for the beautiful and delightful entertainments tendered to the members of the General Assembly during the present session, by said Assembly Ball Club.

The House took up for consideration a bill entitled,

S. B. 149. An act designating and setting aside certain rooms in the Capitol building for the use of the Senate and house of Representatives and providing for the care of same and penalties for the injury or conversion of same.

Mr. Wilson moved that further consideration of said bill be postponed indefinitely.

Said motion was adopted.

And so said bill was disageed to.

The House took up for consideration a bill entitled,

S. B. 147. An act to protect and regulate the catching of mussel shells in the Ohio river and its Kentucky tributaries.

Mr. Knight moved that the further consideration of said bill be indefinitely postponed.

Said motion was adopted.

And so said bill was disagreed to.

And then the House recessed until 7:30 o'clock this evening.

NIGHT SESSION.

At 7:30 o'clock the House reconvened.

A message was received from the Senate announcing that they had adopted the report of the Committee of Conference relative to a bill entitled,

S. B. 322. An act to provide for the repair of the old Capitol Square and buildings thereon and the use of same, and appropriating money therefor.

(For said bill see House Journal March 9.)

And that they had passed said bill as amended by said report.

Said report is as follows:

The undersigned Committee of Conference appointed to consider the matters of disagreement between the Senate and

House as to Senate Bill 322, beg leave to report that after consideration of said matters of disagreement they recommend that the Senate agree to amendments proposed by the House to said bill.

_____

_____

_____

Upon part of Senate

_____

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_____

Upon part of the House.

Said report of the Conference Committee was adopted.

Said bill as amended by said report was then finally passed.

The yeas and nays being taken on the final passage of said bill were as follows, namely:

Those who voted in the affirmative were—

William Ahl	Eli Berry	Wm. L. Bowling
Robt. H. Akin	Thos. M. Bertram	C. W. Burton
P. L. Atherton	E. Bishop	C. E. Carroll
George Baker	Hiram Brown	George P. Chinn
J. M. Bean	Wallace Brown	W. Frank Cole

Sidney J. Collins	Green R. Keller	Stanley F. Reed
Elkanah Dickey	M. C. Kirk	S. L. Robertson
Ben E. Egleston	Chas. H. Knight	W. A. Shawler
J. H. Elder	Wm. J. Kuh	Adam Spahn
John M. Farra	James A. Leach	John G. Stoll
S. Walton Forgy	F. A. Lochry	C. B. Thompson
John F. Fryer	B. J. Matthews	D. B. Thurman
Allie T. Gaines	Emanuel Meyer	E. B. Wiley
Joe Hall	Harry J. Meyers	J. H. Williams
Elwood Hamilton	R. C. McClure	B. S. Wilson
V. D. Hammond	Luther C. Owings	Charles Yancy
L. B. Herrington	W. F. Parker	Edward L. Young
A. B. Holland	William A. Perry	—55
James R. Howell	John A. Polin	

Those who voted in the negative were—

A. V. Bertram	R. Dillard Hunter	S. H. Rogers
Henry Chunn	W. J. Jackson	W. Scott Smith
G. L. Drury	J. Albert Leach	Yeaman Watkins
T. J. Gregory	W. N. McCubbin	—12

The House took up for consideration a bill entitled,

S. B. 9. An act to amend and re-enact section 20, chapter 13, acts of 1910, entitled, "An act creating a County Text Book Commission."

Mr. Douglas moved that said bill be laid on the table.

Said motion was agreed to.

And so said bill was disagreed to.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 7. An act for the benefit of the Kentucky School for the Deaf.

H. B. 31. An act qualifying and enabling women to vote for the election of School Trustees and other school officers chosen by the people, except such officers as women may be disqualified from voting for by the Constitution, and upon school measures or questions submitted to a vote of the people and to hold common school offices, except such offices as women are disqualified from holding under the Constitution.

H. B. 454. An act to amend an act entitled "An act to incorporate the Kentucky Conference Home and to provide for the maintenance thereof, approved March 27, 1902, March 26, 1904, March 21, 1906 and March 19, 1910."

H. B. 248. An act to amend an act approved March 22, 1910, amending and re-enacting sections 2463 of the Kentucky Statutes, relating to liens of Mechanics and Materialmen.

H. B. 196. An act to amend section 692 of the Kentucky Statutes, being section 115 of an act entitled, "An act providing for the creation and regulation of private corporations" which became a law April 5, 1893.

H. B. 134. An act making it a felony for any person to admit to their house or to take or direct to any house for the purpose of prostitution or lewdness any female under the age of sixteen years, and fixing the penalty therefor.

H. B. 202. An act creating Boards of Education for cities of the second class, providing for the election thereof, defining their powers and duties and repealing all laws in conflict therewith.

H. B. 427. An act limiting the time in which enforcement of tax titles and tax liens may be affected.

H. B. 96. An act to repeal an act entitled, "An act to repeal section 1136, chapter 36 of the Kentucky Statutes and to substitute therefor, and to re-enact section 1136 of the Kentucky Statutes."

H. B. 33. An act providing for the destruction of the carcasses of swine dying from cholera and other diseases.

H. B. 14. An act to amend an act entitled, "Crimes and Punishments" which became a law the tenth day of April, 1893.

H. B. 115. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants, barber shops and Pullman cars and other places and prohibiting persons from offering or giving tips and prescribing punishment therefor.

H. B. 456. An act to provide for the appointment of a Commissioner to the Panama Pacific Exposition at San Francisco, California, and to make an appropriation therefor.

H. B. 347. An act to aid and promote the building of good roads in the State of Kentucky and to direct the transfer of any stock or other interest owned by the State of Kentucky in turnpike companies or toll roads to any county that may purchase or condemn said roads and operate same as free roads.

H. B. 102. An act to empower the Board of Trustees of granded schools operating under special charter known as Special Act Schools to levy tax for maintenance.

H. B. 439. An act to amend an act entitled, "An act for the creation and regulation of private corporations."

H. B. 95. An act in relation to the Kentucky State Board of Dental Examiners and to regulate the practice of dentistry in the State of Kentucky.

H. B. 40. An act to amend an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled, "An act relating to children who are now or may become dependent, neglected or delinquent, to define these terms and fixes and defining the powers of several County Courts within this Commonwealth with reference to care, treatment and control of such children and provide for the means whereby such powers may be exercised as amended by an act approved March 23, 1910, entitled, "An act to amend section 3 of an act of the General Assembly of the Commonwealth of Kentucky approved March 19, 1908, entitled an act relating to children who are now or who may hereafter become dependent, neglected or delinquent, to define the terms and fixing and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised."

H. B. 200. An act to amend an act entitled, "An act concerning courts having continuous sessions and two judges," approved March 2, 1906.

S. B. 52. An act permitting Charles Carroll to sue the State for a fee not exceeding $500 for legal services performed.

S. B. 179. An act to amend chapter 60 of the acts of 1910 of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1910.

S. B. 238. An act to divide Kentucky into eleven Congressional districts.

S. B. 229. An act to amend an act entitled, "An act providing the manner of adding one additional judge to Circuit Courts of continuous session in counties constituting separate judicial districts having one judge and establishing the division thereof," approved March 6, 1906.

S. B. 243. An act to authorize and add one additional judge to the Circuit Court district, providing for the appointment and election thereof.

S. B. 175. An act to amend section 4143 of the Kentucky Statutes.

S. B. 19. An act granting pensions to disabled and indigent Confederate soldiers.

S. B. 340. An act to provide for the consolidation of Trust Companies organized under the laws of the State of Kentucky.

S. B. 258. An act to amend an act entitled, "An act to provide for the establishment and maintenance in counties which contain cities of the first class of a hospital for the treatment of persons afflicted with tuberculosis.

S. B. 46. An act for the benefit of the Kentucky Institute for the education of the blind by making an appropriation therefor, and providing for the periods of payment.

S. B. 225. An act for the benefit of the Kentucky School for the Deaf and the teachers and supervision therein.

S. B. 4. An act defining public roads, providing for their establishment, regulation and construction and use and maintenance, and creating the office of Road Engineer, prescribing the duties thereof.

S. B. 165. An act for the protection of game and fish.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The House took for consideration from the Orders of the Day a bill entitled:

S. B. 309. An act designating the method of selecting a person to act in the absence of a disqualification of a County Judge.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1059 of Kentucky Statutes of 1909 compiled by Hon. John D. Carroll, be amended and re-enacted so to read as follows: Section 1059. Whenever the County Judge shall be absent or unable from any cause to attend or hold the County Court or preside at any tiral or presecution, he shall appoint and designate by order entered on the Order Book of the County Court, a County Judge pro tem. Said County Judge pro tem shall possess all the qualifications required by law of the regular judge and the regular County Judge shall be liable upon his bond for the actions of said appointee. Provided, however, that when either party to any action, motion, application, prosecution or proceeding pending before the County Judge, shall file with the clerk of the County Court his affidavit that the judge will not afford him a fair and impartial trial, the parties by agreement, may elect a duly qualified person to preside on the trial or hear the application or hold the court for the occasion; and if any of the parties to said action, proceeding, or prosecution be or are non-resident defendants, who have not entered their appearance, nor have been summoned, or are infant defendants, the attorney appointed to defend for such non-resident or the guardian ad litem for such infants, may agree with the other parties to such action, proceeding or prosecution upon a person having all the qualifications of a County Judge to try such action, proceeding or prosecution, provided that if no agreement can be reached then a duly qualified person shall be elected by the members of the bar present and not interested in the cause being heard.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title.

The question was taken on the passage of said bill and it was decided in the negative.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	A. B. Holland	William A. Perry
J. M. Bean	John W. Holland	Stanley F. Reed
E. Bishop	M. C. Kirk	S. L. Robertson
Wallace Brown	Chas. H. Knight	Henry Thomas
George P. Chinn	Wm. J. Kuh	C. B. Thompson
Elkanah Dickey	F. A. Lochry	D. B. Thurman
G. L. Drury	B. J. Matthews	Yeaman Watkins
Ben E. Egleston	R. C. McClure	J. H. Williams
Elwood Hamilton	L. B. Owen	Edward L. Young

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Those who voted in the negative were—

Robt. H. Akin	J. H. Elder	Green R. Keller
Eli Berry	Eli Farmer	W. E. King
A. V. Bertram	John F. Fryer	James A. Leach
Thos. M. Bertram	D. Clarence Gray	J. Albert Leach
H. C. Blades	T. J. Gregory	Hugh Mahin
Hiram Brown	Joe Hall	Emanuel Meyer
Wm. L. Bowling	A. B. Hatton	Harry J. Meyers
C. W. Burton	L. B. Herrington	S. F. Middleton
C. E. Carroll	James R. Howell	W. N. McCubbin
Henry Chunn	R. Dillard Hunter	A. W. Palmer
Sidney J. Collins	Earl C. Huntsman	Marion F. Pogue
F. B. Douglas	W. J. Jackson	John A. Polin

W. A. Shawler	W. Scott Smith	E. B. Thompson
Walter S. Sinclair	John G. Stoll	Charles Yancy

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And so said bill was disagreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 278. An act for the benefit of Mrs. L. E. Tandy.

Said bill reads as follows, viz.:

Whereas, Mrs. L. E. Tandy, who had been awarded a first-class certificate to teach in the public schools by the Examining Board of Henry County, Kentucky, and had taught in the public schools of said county under said certificate, and

Whereas, while said certificate was in full force and effect she was employed by the Educational Board of District 4 in subdivision of Trimble County, and

Whereas, she taught said school from September 19, 1910, to December 14, 1910, and received for her first month's service $37.66, but did not receive any part of her salary for the remainder of the time taught by her, and which amounts to the sum of $94.15, for the technical reason that she did not have a certificate from the Examining Board of the said Trimble County, and

Whereas, said sum of money was repaid into the general school fund of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be and he is directed to draw his warrant in favor of Barksdale Hamlett, Superintendent of Public Instruction, for the sum of $94.15, to be charged to the general school fund of the State, and that said sum be paid by the said superintendent to the said Mrs. L. E. Tandy as money is paid to teachers of public schools.

§ 2. This act to take effect ninety days after the adjournment of the present session of the General Assembly.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Ben F. Egleston	W. J. Jackson
Robt. H. Akin	J. H. Elder	Green R. Keller
P. L. Atherton	Eli Farmer	W. E. King
Eli Berry	John M. Farra	Wm. J. Kuh
A. V. Bertram	S. Walton Forgy	James A. Leach
E. Bishop	John F. Fryer	F. A. Lochry
Hiram Brown	D. Clarence Gray	S. F. Middleton
Wallace Brown	T. J. Gregory	R. C. McClure
Wm. L. Bowling	Elwood Hamilton	W. N. McCubbin
C. W. Burton	V. D. Hammond	C. B. Nichols
C. E. Carroll	L. B. Herrington	Ben F. Niles
Henry Chunn	A. B. Holland	L. B. Owen
W. Frank Cole	John W. Holland	A. W. Palmer
Sidney J. Collins	James R. Howell	W. F. Parker
Elkanah Dickey	R. Dillard Hunter	William A. Perry
G. L. Drury	Earl C. Huntsman	John A. Polin

Stanley F. Reed	C. B. Thompson	David W. Wiley
Walter S. Sinclair	D. B. Thurman	J. H. Williams
W. Scott Smith	Yeaman Watkins	Charles Yancy

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Resolved that the title therof be as aforesaid.

The House took up for consideration from the Orders of of Day a bill entitled,

S. B. 300. An act to amend Section 965, subdivision 1, Article 2, of Chapter 35 of the Kentucky Statutes (Carroll's edition 1909) so far as said section applies to the holding of Circuit Courts in the counties of Carroll and Gallatin in the Fifteenth Judicial District, and so far as it applies to the holding of Circuit Courts in the counties of Owsley, Perry, Leslie and Letcher in the Thirty-third Judicial District, and to the holding of Circuit Courts in the counties of Lee, Estill, Breathitt and Wolfe in the Twenty-third Judicial District.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965 of the Kentucky Statutes relating to Circuit Courts be, and the same is hereby amended so far as it applies to the time of holding Circuit Courts in the Fifteenth, Thewty-third and Thirty-third Judicial Districts, so that said section shall as to the Fifteenth District read as follows:

FIFTEENTH DISTRICT.

Owen County, at Owenton, on the fourth Mondays in February, June and October, eighteen juridical days each.

Boone County, at Burlington, on the second Mondays in April, August and December, twelve juridical days each.

Carroll County, at Carrollton on the fourth Mondays in April, August and November, twelve juridical days each.

Grant County, at Williamstown, on the first Mondays in February, June and October, eighteen juridical days each, except June which is twelve juridical days.

Gallatin County, at Warsaw on the third Mondays in March, July and November, twelve juridical days each, except November, which is six juridical days.

And as to Twenty-third read as follows:

Wolfe County, at Campton, first Mondays in January, May and September and continue eighteen juridical days each.

Breathitt County, at Jackson, first Mondays in February June and October and continue twenty-four juridical days each.

Lee County, at Beattyville, first Mondays in April, and July and second Monday in November and continue eighteen juridical days each.

Estill County, at Irvine, first Mondays in March and December and fourth Monday in July and continue twelve Juridical days each.

And as to the Thirty-third District, read as follows:

Letcher County, at Whitesburg, second Mondays in January and September and continue eighteen juridical days each

and the fourth Monday in April and continue twelve juridical days.

Leslie County, at Hyden, on the first Mondays in February, June and October, and continue twenty-four juridical days each, except in June which is eighteen days.

Perry County, at Hazard, first Monday in March and second Monday in May and continue eighteen juridical days each and second Monday in August and continue twenty-four juridical days.

Owsley County, at Booneville, fourth Monday in March, and June and second Monday in December and continue twelve juridical days each.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	H. C. Blades	Elkanah Dickey
Robt. H. Akin	Hiram Brown	F. B. Douglas
P. L. Atherton	Wallace Brown	G. L. Drury
George Baker	Wm. L. Bowling	Ben E. Egleston
J. M. Bean	C. W. Burton	J. H. Elder
Eli Berry	C. E. Carroll	John M. Farra
Thos. M. Bertram	George P. Chinn	S. Walton Forgy
E. Bishop	W. Frank Cole	John F. Fryer

D. Clarence Gray	Hugh Mahin	Stanley F. Reed
T. J. Gregory	B. J. Matthews	S. L. Robertson
V. D. Hammond	Emanuel Meyer	Robt. H. Scott
L. B. Herrington	Harry J. Meyers	W. A. Shawler
R. Dillard Hunter	S. F. Middleton	Walter S. Sinclair
Earl C. Huntsman	R. C. McClure	W. Scott Smith
W. J. Jackson	W. N. McCubbin	John G. Stoll
Green R. Keller	C. B. Nichols	C. B. Thompson
John G. Kelley	Ben F. Niles	Yeaman Watkins
W. E. King	L. B. Owen	David W. Wiley
M. C. Kirk	Luther C. Owings	E. B. Wiley
Charles H. Knight	A. W. Palmer	J. H. Williams
William J. Kuh	J. R. Paxton	Charles Yancy
James A. Leach	William A. Perry	Edward L. Young
J. Albert Leach	Marion F. Pogue	—70
F. A. Lochry	John A. Polin	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 274. An act to amend and re-enact an act entitled, "An act to amend an act entitled, 'An act to amend an act entitled, "An act to amend an act entitled, 'An act to assign the cities and town of this Commonwealth to the class to which they belong,' " ' " approved March 16, 1910.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of "An act entitled an act to amend an act entitled, 'An Act to assign the cities and town of this Commonwealth to the classes to which they belong," approved March 16, 1910, be amend by striking from the Third Classification the words "Somerset, Pulaski County," and by

striking from the Fifth Classification the words "Morganfield, Union County; Providence, Webster County; Pikeville, Pike County," and by adding after the words "Barbourville, Knox County," the words, Highlands, Campbell County; London, Laurel County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; and by adding after the words "Clifton, Campbell County," in the Fifth Classification the words, "Jackson, Breathitt County; Rustonville, Lincoln County and Crab Orchard, Lincoln Cuonty," and that the same be re-enacted and amended, and that section two of said act be reenacted so that said act as amended and re-enacted shall read as follows:

The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County, Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County.

Fourth Class—Hopkinsville, Christian County; Shelbyville, Shelby County; Maysville, Mason County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Ashland, Boyd County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Lud-

low, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central Certral City, Muhlenberg County; Corbin, Whitley and Knox Counties; Franklin, Simpson County; Barbourville, Knox County; Highlands, Campbell County; London Laurel County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; and Somerset, Pulaski County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Greenville, Muhlenberg County; Louisa, Lawrence County; Columbus, Hickman County; Glasgow, Barren County; West Covington, Kenton County; Earlington, Hopkins County; Hickman, Fulton County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg Fleming County; Elkton, Todd County; Falmouth, Pendleton County; Vanceburg, Lewis County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County, Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Litchfield, Grayson County; Owingsville, Bath County; Murray, Calloway County; Marion, Crittenden County; Sebree City, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Sturgis; Union County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Oakdale, Jefferson County; Beattyville, Lee County; Owenton, Owen County; Scottsville, Allen County;

Olive Hill, Carter County; Burnside, Pulaski County; Prestonburg, Floyd County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; La Grange, Oldham County; Guthrie, Todd County; Clifton, Campbell County; Jackson, Breathitt County; Russell, Greenup County; Mt. Pleasant, Harlan County; Hustonville, Lincoln County; Crab Orchard, Lincoln County, and Elizabethtown, Harlan County.

Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the Sixth Class.

Provided that the officers elected in 1909 and all the officers now serving in the cities above mentioned that are by this act changed from a class other than now are, shall be continued and remain as the officers in the class to which they are now placed, and shall hold such offices until successors are elected at the regular November election 1913.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	E. Bishop	George P. Chinn
P. L. Atherton	Wallace Brown	Henry Chunn
J. M. Bean	Wm. L. Bowling	Sidney J. Collins
Eli Berry	C. W. Burton	W. L. Craig
Thos. M. Bertram	C. E. Carroll	F. B. Douglas

G. L. Drury	James A. Leach	W. A. Shawler
J. H. Elder	J. Albert Leach	Walter S. Sinclair
Eli Farmer	F. A. Lochry	W. Scott Smith
John M. Farra	Emanuel Meyer	Adam Spahn
S. Walton Forgy	Harry J. Meyers	John G. Stoll
John F. Fryer	S. F. Middleton	C. B. Thompson
Allie T. Gaines	R. C. McClure	E. B. Thompson
Joe Hall	C. B. Nichols	D. B. Thurman
V. D. Hammond	L. B. Owen	Yeaman Watkins
A. B. Hatton	Luther C. Owings	David W. Wiley
A. B. Holland	W. F. Parker	E. B. Wiley
W. J. Jackson	William A. Perry	J. H. Williams
Green R. Keller	Marion F. Pogue	B. S. Wilson
W. E. King	Stanley F. Reed	Charles Yancy
M. C. Kirk	S. L. Robertson	Edward L. Young
Charles H. Knight	S. H. Rogers	—64
Wm. J. Kuh	Robt. H. Scott	

Those who voted in the negative were—

Hiram Brown

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 260. An act prohibiting the sale of intoxicating liquors within 400 feet of Normal Schools and State Colleges.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person shall sell or otherwise dispose of any spirituous, vinous, or malt liquors within four hundred feet of the campus or grounds of any normal school or university maintained in whole or in part by the Commonwealth of Kentucky. Any person offending against the provision hereof shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, or confined in the county jail for any length of time not to exceed twenty-five days, either or both so fined and imprisoned, in the discretion of the court or jury trying the case.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Elkanah Dickey	John G. Kelley
Robt. H. Akin	Ben E. Egleston	W. E. King
P. L. Atherton	J. H. Elder	M. C. Kirk
J. M. Bean	Eli Farmer	Chas. H. Knight
Eli Berry	John M. Farra	Wm. J. Kuh
E. Bishop	S. Walton Forgy	James A. Leach
Hiram Brown	Allie T. Gaines	Hugh Mahin
Wallace Brown	D. Clarence Gray	B. J. Matthews
C. W. Burton	T. J. Gregory	Emanuel Meyer
C. E. Carroll	V. D. Hammond	Harry J. Meyers
George P. Chinn	L. B. Herrington	S. F. Middleton
Henry Chunn	A. B. Holland	R. C. McClure
Sidney G. Clay	John W. Holland	C. B. Nichols
W. Frank Cole	R. Dillard Hunter	Ben F. Niles
Sidney J. Collins	Green R. Keller	L. B. Owen

Luther C. Owings	S. L. Robertson	D. B. Thurman
A. W. Palmer	S. H. Rogers	Yeaman Watkins
W. F. Parker	Robt. H. Scott	David W. Wiley
William A. Perry	W. A. Shawler	B. S. Wilson
Marion F. Pogue	W. Scott Smith	Charles Yancy
Stanley F. Reed	C. B. Thompson	Edward L. Young

—63

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 239. An act prohibiting the unlawful issuing, selling, exchanging, using or giving away of any transfer ticket or written or printed instrument giving or purporting to give the right of transfer of any street car or other public conveyance, and prescribing a penalty therefor.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No transfer ticket or written or printed instrument giving or purporting to give, the right of transfer to any person from any street car, or other public conveyance, operating upon one line or route to a stret car, or other public conveyance, upon another line or route of street railway or other public conveyance, or from one car or public conveyance to another car or public conveyance upon the same line or route, shall be issued, sold, exchanged or given away except to a person lawfully entitled thereto.

§ 2. Any person, who shall issue, sell, exchange, or give away such transfer ticket, or instrument aforesaid, to a

person not lawfully entitled thereto, and any person not lawfully entitled thereto, who shall receive, with intent to use for passage, or who shall use or offer for passage, any such transfer ticket or instrument, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars nor more than fifty dollars for each and every offense.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Akin	S. Walton Forgy	Luther C. Owings
P. L. Atherton	T. J. Gregory	A. W. Palmer
J. M. Bean	John W. Holland	W. V. Perry
Eli Berry	James R. Howell	Stanley F. Reed
A. V. Bertram	R. Dillard Hunter	S. L. Robertson
E. Bishop	W. J. Jackson	H. A. Schoberth
Wallace Brown	M. C. Kirk	Robt. H. Scott
C. W. Burton	Wm. J. Kuh	W. Scott Smith
George P. Chinn	James A. Leach	D. B. Thurman
Henry Chunn	F. A. Lochry	A. V. Bertram
Sidney J. Collins	Harry J. Meyers	E. B. Wiley
Elkanah Dickey	S. F. Middleton	J. H. Williams
F. B. Douglas	R. C. McClure	Charles Yancy
J. H. Elder	W. N. McCubbin	—43
John M. Farra	Ben F. Niles	

Those who voted in the negative were—

William Ahl	John F. Fryer	J. R. Paxton
George Baker	D. Clarence Gray	Wm. A. Perry
Thos. M. Bertram	L. B. Herrington	W. A. Shawler
John E. Brewer	A. B. Holland	Walter S. Sinclair
C. E. Carroll	Green R. Keller	Adam Spahn
Sidney G. Clay	B. J. Matthews	C. B. Thompson
W. Frank Cole	Chas. D. McCrea	Louis B. Tieman
G. L. Drury	C. B. Nichols	David W. Wiley
Ben E. Egleston	L. B. Owen	B. S. Wilson
Eli Farmer	W. F. Parker	Edward L. Young

—30

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 120. An act making it unlawful to purchase, procure or deliver spirituous, vinous or malt liquors for or to another, as the agent of the seller or buyer of spirituous, vinous or malt liquors in local option territory.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, firm, or corporation to purchase or procure for another spirituous, vinous, malt or other intoxicating liquors, mixtures or decoctions either as the agent of the buyer of the agent of the seller of said liquors, mixtures or decoctions, either for or without compensation in any county, district, precinct, town or city where the sale of intoxicating liquors has been prohibited or

may be prohibited, whether by special act of the General Assembly or by vote of the people under the local option law of this State.

§ 2. Any person, firm or corporation violating Section 1, of this act or any part thereof shall be fined not less than sixty dollars or no more than one hundred dollars, and not less than ten or more than forty days' imprisonment in the county jail, either fine or imprisonment or both within the discretion of the court or jury trying the case.

§ 3. The provisions of this act shall not apply to common carriers who in good faith deliver intoxicating liquors, in quantities not to exceed five gallons at one time, to regular licensed and practicing physicians and druggists in local option territory. Provided, however, the the provisions of this act shall not apply to such liquors prescribed on prescription from regular practicing physician.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Thos. M. Bertram	Henry Chunn
Robt. H. Akin	E. Bishop	Sidney G. Clay
George Baker	H. C. Blades	Elkanah Dickey
J. M. Bean	John E. Brewer	F. B. Douglas
A. V. Bertram	George P. Chinn	G. L. Drury

Ben E. Egleston	W. J. Jackson	W. F. Parker
J. H. Elder	Green R. Keller	W. V. Perry
John M. Farra	M. C. Kirk	Marion F. Pogue
S. Walton Forgy	Chas. H. Knight	Robt. H. Scott
D. Clarence Gray	James A. Leach	Yeaman Watkins
T. J. Gregory	B. J. Matthews	David W. Wiley
Joe Hall	S. F. Middleton	J. H. Williams
V. D. Hammond	R. C. McClure	Charles Yancy
A. B. Hatton	C. B. Nichols	Edward L. Young
John W. Holland	L. B. Owen	—46
James R. Howell	A. W. Palmer	

Those who voted in the negative were—

Wm. L. Bowling	Harry J. Meyers	W. Scott Smith
John F. Fryer	John A. Polin	John G. Stoll
Allie T. Gaines	W. A. Shawler	B. S. Wilson
		—9

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 127. An act to increase the compensation of the General Assembly of Kentucky.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The members of the General Assembly of the Upper House (Senate) shall severally receive from the State Treasury compensation for their services, which shall be ten dollars per day during their attendance on, and fifteen cents

per mile for the necessary travel in going to and returning from the sessions of the General Assembly.

§ 2. The members of the Lower House (House of Representatives) shall receive the same compensation as provided in Section 1, above, for their services during their attendance on the sessions of the General Assembly.

§ 3. The president of the Senate, and the Speaker of the House of Representatives shall each receive fifteen dollars per day while attending upon the session of their respective bodies.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	George P. Chinn	A. B. Hatton
Eugene G. Asher	W. Frank Cole	L. B. Herrington
P. L. Atherton	Sidney J. Collins	R. Dillard Hunter
George Baker	F. B. Douglas	Green R. Keller
H. C. Blades	Ben E. Egleston	M. C. Kirk
Hiram Brown	John F. Fryer	Chas. H. Knight
Wallace Brown	D. Clarence Gray	Wm. J. Kuh
C. W. Burton	Joe Hall	F. A. Lochry
C. E. Carroll	V. D. Hammond	Hugh Mahin

Emanuel Meyer	S. L. Robertson	E. B. Thompson
Harry J. Meyers	W. A. Shawler	D. B. Thurman
R. C. McClure	Adam Spahn	Louis B. Tieman
W. F. Parker	John G. Stoll	J. H. Williams
Wm. A. Perry	C. B. Thompson	Charles Yancy

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Those who voted in the negative were—

J. M. Bean	Elwood Hamilton	A. W. Palmer
Eli Berry	A. B. Holland	J. R. Paxton
A. V. Bertram	John W. Holland	Marion F. Pogue
E. Bishop	W. J. Jackson	John A. Polin
John E. Brewer	John G. Kelley	Stanley F. Reed
Henry Chunn	J. Albert Leach	S. H. Rogers
Sidney G. Clay	James A. Leach	Walter S. Sinclair
Elkanah Dickey	B. J. Matthews	W. Scott Smith
G. L. Drury	S. F. Middleton	Yeaman Watkins
Ben E. Egleston	W. N. McCubbin	E. B. Wiley
Eli Farmer	C. B. Nichols	B. S. Wilson
John M. Farra	Ben F. Niles	Edward L. Young
Allie T. Gaines	L. B. Owen	
T. J. Gregory	Luther C. Owings	

—40

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 201. An act to amend an act entitled, "An act for the benefit of the Kentucky Home Society for Colored Children, approved March 19, 1910.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, whereas, heretofore, $5,000.00 was annually appropriated for the use of the Kentucky Home Society for Colored Children, payable annually, said act is hereby amended and reads as follows:

"That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars ($10,000.00) payable annually, for the benefit of the Kentucky Home Society for Colored Children, and the Auditor of Public Accounts be and is hereby authorized and directed to draw his warrants upon the treasurer annually in favor of the treasurer of the Kentucky Home Society for Colored Children, for the sum of ten thousand dollars.

§ 2. The second paragraph of this act is as follows:

"The said Auditor is authorized and directed to draw his warrant upon the treasury in favor of the treasurer of the Kentucky Home Society for Colored Children, on the first day of June, 1910, and annually on the same day and date thereafter, for the sum of five thousand dollars each."

§ 3. The above paragraph is amended to read as follows:

"The said Auditor is authorized and directed to draw his warrants upon the treasury in favor of the treasurer of the Kentucky Home Society for Colored Children, on the first day of June, 1910, and annually on the same day thereafter, for the sum of ten thousand dollars each."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Allie T. Gaines	Luther C. Owings
Robt. H. Akin	D. Clarence Gray	A. W. Palmer
Eugene G. Asher	T. J. Gregory	W. F. Parker
P. L. Atherton	Elwood Hamilton	J. R. Paxton
George Baker	V. D. Hammond	Wm. A. Perry
Eli Berry	L. B. Herrington	John A. Polin
Thos. M. Bertram	A. B. Holland	Stanley F. Reed
E. Bishop	R. Dillard Hunter	S. L. Robertson
H. C. Blades	W. J. Jackson	S. H. Rogers
Hiram Brown	Green R. Keller	W. A. Shawler
Wallace Brown	John G. Kelley	Walter S. Sinclair
Wm. L. Bowling	M. C. Kirk	Adam Spahn
C. W. Burton	Chas. H. Knight	John G Stoll
C. E. Carroll	Wm. J. Kuh	C. B. Thompson
George P. Chinn	James A. Leach	E. B. Thompson
Henry Chunn	B. J. Matthews	D. B. Thurman
W. Frank Cole	Emanuel Meyer	Louis B. Tieman
Sidney J. Collins	S. F. Middleton	Yeaman Watkins
Elkanah Dickey	R. C. McClure	E B. Wiley
G. L. Drury	Chas. D. McCrea	J. H. Williams
Ben E. Egleston	W. N. McCubbin	B. S. Wilson
J. H. Elder	C. B. Nichols	Charles Yancy
John M. Farra	Ben F. Niles	Edward L. Young
John F. Fryer	L. B. Owen	—71

Resolved that the title thereof be as aforesaid.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 65. An act creating the county of McCreary.

H. B. 258. An act to enlarge the usefulness of the Kentucky Normal and Industrial Institute for Colored Persons.

H. B. 6. An act to change the name of Mt. Pleasant to Harlan, to put the city of Harlan in the Fourth Class.

H. B. 541. An act to amend the school law in cities of the first class.

H. B. 61. An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

H. B. 488. An act to authorize the Governor to appoint a commission of five veterans to attent the fiftieth anniversary of the battle of Gettysburg to be held on the battle ground July, 1, 2, 3 and 4, 1913.

H. B. 447. An act to regulate the assignment, sale, mortgage and other transfer of wages to be earned or paid in the future where a whole or a part of the consideration thereof is a sum of money of less than $200.

H. B. 215. An act to make more efficient the County Board of Education and the office of County Superintendent of Schools.

H. B. 195. An act to amend an act entitled "An act for the government of cities of the First Class," approved July 1, 1893, as amended by an act approved February 9, 1894, relating to executive boards.

H. B. 463. An act providing for the payment of premiums of bonds executed by certain State officers.

H. B. 257. An act to provide for the officers of the State registering on the day of election.

H. B. 193. An act to amend an act entitled, "An act creating the State Board of Agriculture, Forestry and Immigration, specifying the duties thereof and appropriating money therefor," approved March 21, 1906, being Sections 37 and 38 of the Kentucky Statutes.

H. B. 213. An act to amend and re-enact Section 878 of the Kentucky Statutes, which is a uart of Article 7 of an act of April 5, 1893 entitled, "Corporations—Private."

H. B. 42. An act cerating a Parental Home and School Commission in counties cóntaining cities of the first class, defining the powers and duties thereof and empowering and requiring Fiscal Court to levy a tax to create funds for the purpose of this act.

H. B. 233. An act to amend an act entitled "An act for government of cities of the fourth class.

H. B. 405. An act to provide for the organization, armament equipment, disicipline and government of the militia and amending Chapter 86, Sections 2652 to 2711 inclusive, of the Kentucky Statutes Carroll's 1909 edition, being an act of March 13, 1893 entitled, "An act concerning the militia of the Commonwealth of Kentucky" and amendatory acts thereto.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officer of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 254. An act for the relief of sub-school districts, relating to old debts.

Said bill reads as follows:

Whereas, the Legislature of the State of Kentucky, in the year of 1908, abolished the old trustee system and created the County Board of Education, with power to recommend and collect a county school tax, and whereas, there then existed and unpaid, various debts against various school districts, which were not and could not be paid by one year's taxation, and whereas, the Act of 1908 made no provision for the liquidation and payment of said debts, and whereas, the old Boards of Trustees having been replaced by the new boards, without power to levy and pay said existing indebtedness, and whereas, it is deemed expedient and just, in order to avoid double taxation, to authorize and empower the County Board of Education, to compromise and agree to and with the creditors of said districts, in any manner they may

deem wise and just, for the complete settlement and adjustment on any and all debts that existed at the time the acts of 1908 became a law, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the various County Boards of Education in this Commonwealth shall assume the payment of any legal indebtedness contracted by the old Boards of Trustees under the old law, and prior to the taking effect of the Act of 1908, by compromise, partial payment, or otherwise, as it deemed expedient and proper by said Board of Education. Said payments to be made out of the general school fund of the county.

This law shall also apply to common school subdistricts that have become graded common school districts since 1908.

An emergency is hereby declared to exist, and this law shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	Eli Berry
Robt. H. Akin	George Baker	A. V. Bertram
Eugene G. Asher	J. M. Bean	Thos. M. Bertram

E. Bishop	Elwood Hamilton	L. B. Owen
Wallace Brown	V. D. Hammond	A. W. Palmer
C. W. Burton	L. B. Herrington	W. F. Parker
C. E. Carroll	James R. Howell	J. R. Paxton
George P. Chinn	R. Dillard Hunter	Wm. A. Perry
Henry Chunn	W. J. Jackson	W. V. Perry
W. Frank Cole	Green R. Keller	John A. Polin
Elkanah Dickey	Wm. J. Kuh	S. H. Rogers
F. B. Douglas	James A. Leach	Walter S. Sinclair
G. L. Drury	J. Albert Leach	C. B. Thompson
Ben E. Egleston	F. A. Lochry	D. B. Thurman
J. H. Elder	B. J. Matthews	Louis B. Tieman
John M. Farra	Emanuel Meyer	Yeaman Watkins
John F. Fryer	S. F. Middleton	David W. Wiley
Allie T. Gaines	R. C. McClure	J. H. Williams
T. J. Gregory	Chas. D. McCrea	B. S. Wilson
Joe Hall	W. N. McCubbin	Edward L. Young

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Those who voted in the negative were:

Sidney J. Collins

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 136. An act to amend an act entitled, "An act to further regulate the Bureau of Agriculture, Labor and Statistics," approved March 17, 1902, being Section 33a, Kentucky Statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of an act entitled, "An act to further regulate the Bureau of Agriculture, Labor and Statistics," approved March 17, 1902, and being Section 33a of the Kentucky Statutes, be amended by striking out the whole of said section and inserting in lieu thereof the following, so that said section will read as follows:

In the Bureau of Agriculture, Labor and Statistics there shall be appointed by the Commissioner, with the approval of the Governor, two labor inspectors and two assistant labor inspectors. One of said inspectors and one assistant inspector shall be men having practical knowledge of factories, machine or workshops, and the other inspector and assistant inspector shall be women, and said inspectors and assistants shall be under the supervision of the Commissioner.

§ 2. That Section 2 of said act be amended by striking out said entire section and substituting in lieu thereof the following, so that said section will read as follows:

It shall be the duty of the male labor inspector to visit and inspect the various factories, machine and workshops in this State; and it shall be the duty of the female labor inspectors to visit and inspect the various factories, laundries, workshops, stores, or mercantile, manufacturing or mechanical establishments or hotels, restaurants, telephone exchanges or telegraph offices in which women are employed. It shall be the duty of all such inspectors under the direction of the Commissioner, to report to the Commonwealth's Attorney and County Attorney any violation occurring in said county of any or laws enacted for the protection of women, children and other persons employed in such county.

§ 3. That Section 3 of said act be amended by striking out all of said section and substituting in lieu thereof the following, so that said section will read as follows:

It shall be the duty of every owner, manager and agent of any factory, machine or workshop where male laborers are employed, and of any factory, workshop, laundry, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office where women are employed, to admit the labor inspectors during reasonable hours and while the same is open, for the purpose of making an inspection of same, and any person who shall refuse to admit such inspectors in violation of the provisions of this section shall be fined not to exceed one hundred ($100) dollars, or to be imprisoned in jail not more than six months, or both so fined and imprisoned in the discretion of the jury.

§ 4. That Section 4 of said act be amended by striking out the whole of said section and substituting in lieu thereof the following, so that said section will read as follows:

It shall further be the duty of the labor inspectors to collect statistics concerning labor whereever and however employed in this State and report the same to the Commissioner at such times as he may direct, and it shall be the duty of the owner, officers, manager or agent of any factory, machine or workshop where male laborers are employed, and of any factory, workshop, laundry, store, or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office where females are employed, to furnish upon demand of the labor inspector statistical information concerning the number and sex of persons employed, the exact amount of compensation paid to each of such laborers or women, the amount and kind of labor or work performed by each of said men and women so employed, and such other reasonable information as may be required by the Commissioner, provided, that no person shall be required to furnish the labor inspectors information touching matters not contemplated in the provision of this act, and provided, fur-

ther, that no labor inspector for the purpose of gathering statistics shall interfere or detain from work any laborer, or any woman employee while on duty during working hours.

§ 5. That Section 7 of said act be amended by striking out all of said section and substituting in lieu thereof the following, so that said section will read as follows:

Neither the labor inspector nor assistant labor inspectors shall take any part, interfere or become involved in any strike or similar labor difficulty other than the performance of his or her duty as prescribed by law, upon penalty of forfeiting his, or her, office.

§ 6. That Section 8 of said act be amended by striking out the word "inspector" whereever it appears in said section and inserting in lieu thereof the word "inspectors," so that said section will read as follows:

The labor inspectors and assistant labor inspectors shall receive annual salaries of twelve hundred dollars and one thousand dollars respectively, and their actual necessary traveling expenses while in the performance of their duties to be paid out of the fund appropriated for the Bureau. Said labor inspectors shall make reports of expenses as directed by the Commissioner, who shall approve the same when proper and certify same for payment as other expenses of said Bureau are now allowed and paid.

Ordered that said bill be read the third time.

The costitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	Ben E. Egleston	S. F. Middleton
Robt. H. Akin	J. H. Elder	R. C. McClure
Eugene G. Asher	John M. Farra	W. N. McCubbin
P. L. Atherton	John F. Fryer	Ben F. Niles
George Baker	Allie T. Gaines	L. B. Owen
J. M. Bean	D. Clarence Gray	Luther C. Owings
Eli Berry	T. J. Gregory	A. W. Palmer
Thos. M. Bertram	Joe Hall	Wm. A. Perry
E. Bishop	V. D. Hammond	Marion F. Pogue
H. C. Blades	L. B. Herrington	John A. Polin
Hiram Brown	A. B. Holland	W. A. Price
Wallace Brown	James R. Howell	S. H. Rogers
C. W. Burton	R. Dillard Hunter	Adam Spahn
C. E. Carroll	W. J. Jackson	C. B. Thompson
George P. Chinn	M. C. Kirk	D. B. Thurman
Henry Chunn	Wm. J. Kuh	E. B. Wiley
W. Frank Cole	James A. Leach	J. H. Williams
Sidney J. Collins	J. Albert Leach	Charles Yancy
F. B. Douglas	F. A. Lochry	Edward L. Young
G. L. Drury	Emanuel Meyer	—59

Those who voted in the negative were:

Yeaman Watkins

—1

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 355. An act to amend and re-enact Sections, 3942a and 3942b, Kentucky Statutes, edition of 1909, relating to the

duties and powers of the Commissioners of the Sinking Fund and the duties and powers of the custodian of public buildings, and authorizing the Commissioners of the Sinking Fund to have improvements and repairs made to the Capitol building and grounds and the power plant and the power house.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 2 of Section 3942a, Kentucky Statutes, edited 1909, be stricken out and in place thereof there be enacted the following:

It shall be the duty of the Custodian of Public Buildings, under the direction and supervision of the Commissioners of the Sinking Fund, to have full charge of the public buildings named in this act and the grounds thereof, and to have same kept in perfect repair, and in clean, comfortable and presentable condition. He shall see that all the employees mentioned and provided for in this act faithfully discharge the duties required of them. He shall, at the end of each month, make out a payroll, giving the names of all employees provided for in this act, the length of time they have worked, and the compensation to which they are entitled based upon the salary allowed them by the Commissioners of the Sinking Fund and he shall file said report with the secretary of the Commissioners of the Sinking Fund, and when said payroll is approved by the Commissioners of the Sinking Fund the Auditor shall draw his warrant on the treasurer for the amount due each employee.

§ 2. That Subsection 4 of Section 3942a be stricken out and in lieu thereof the following enacted:

The custodian of public buildings shall keep a complete set of books wherein he shall keep a record of all expenditures made by him for furniture and fixtures and the repairs to same, and he shall keep an account of all money received by him from the sale of old, disused or discarded furniture and fixtures. He will charge each department with the amount of the expenditure incurred therefor. He shall keep a complete record of the amounts authorized to be paid by him, and the person to whom, and the purpose for which, same was expended.

Under the direction and supervision, and subject to the approval of the Commissioners of the Sinking Fund, the Custodian of Public Buildings shall have all necessary repairs made to the Capitol or other public buildings under the control of the Commissioners of the Sinking Fund, and he shall keep a full and complete account of all amounts authorized to be paid for such repairs, and same shall be charged to the account of public buildings.

§ 3. That Subsection 5 of 3942a be stricken out and in lieu thereof be inserted the following:

The Custodian of Public Buildings shall, annually, report to the Commissioners of the Sinking Fund the total amount he has authorized to be spent, to whom charageable and for what expended.

§ 4. That Section 3942b, Kentucky Statutes, edition 1909, be stricken out and the following inserted in lieu thereof:

That the sum of $16,000 be, and the same is hereby appropriated annually for the purpose of paying the salaries of the employees provided for in this act. Said money to be

paid by the treasurer upon the warrant of the Auditor and the Commissioner of the Sinking Fund of Kentucky.

Also there is hereby appropriated the sum of $5,000 to be used in making repairs to the power plant and house and other public property under control and management of the Commissioners of the Sinking Fund and said money or so much thereof as may be necessary shall be paid to the Commissioners of the Sinking Fund by the treasurer upon the warrant of the Auditor.

§ 5. The Commissioners of the Sinking Fund are hereby empowered to employ one engineer, one assistant engineer, one fireman, one assistant fireman, one electrician, one day watchman, one night watchman, one landscape gardener, two elevator men, and such other employees as it may deem necessary. The duties and salaries of all employees shall be fixed by said Commissioners of the Sinking Fund, but all the salaries shall not exceed the amount appropriated, to-wit: Sixteen thousand ($16,000) dollars, annually.

§ 6. Every two years the Commissioners of the Sinking Fund shall submit to the Legislature a detailed report of its acts, showing the amount of money received by it under the terms of this act, and to whom and for what purpose it has been paid out.

§ 7. All acts and parts of acts in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	W. N. McCubbin
Robt. H. Akin	T. J. Gregory	C. B. Nichols
P. L. Atherton	Elwood Hamilton	Ben F. Niles
Eli Berry	V. D. Hammond	Luther C. Owings
Thos. M. Bertram	A. B. Hatton	William A. Perry
E. Bishop	L. B. Herrington	Marion F. Pogue
H. C. Blades	A. B. Holland	John A. Polin
Wallace Brown	James R. Howell	W. A. Price
Wm. L. Bowling	R. Dillard Hunter	Stanley F. Reed
C. W. Burton	Green R. Keller	S. L. Robertson
C. E. Carroll	John G. Kelley	W. Scott Smith
George P. Chinn	Chas. H. Knight	Adam Spahn
Sidney G. Clay	Wm. J. Kuh	John G. Stoll
Sidney J. Collins	James A. Leach	C. B. Thompson
F. B. Douglas	F. A. Lochry	D. B. Thurman
Ben E. Egleston	Hugh Mahir	Louis B. Tieman
J. H. Elder	B. J. Matthews	Yeaman Watkins
John M. Farra	Emanuel Meyer	J. H. Williams
S. Walton Forgy	Harry J. Meyers	Charles Yancy
John F. Fryer	S. F. Middleton	—61
Allie T. Gaines	Chas. D. McCrea	

Those who voted in the negative were—

Eugene G. Asher	Eli Farmer	W. F. Parker
J. M. Bean	Joe Hall	S. H. Rogers
A. V. Bertram	W. J. Jackson	W. A. Shawler
Henry Chunn	J. Albert Leach	—13
Elkanah Dickey	R. C. McClure	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 107. An act prohibiting the use of public drinking cups.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The use of the common drinking cup on railroad trains and in railroad stations, public hotels, boarding houses, restaurants, or steamboats, in stores or other publicly frequented places in Kentucky is hereby prohibited. No person or corporation in charge of the aforesaid places, and no person or corporation shall permit on said railroad train, in railroad stations, public hotels, boarding houses, restaurants, steamboats, stores, or any publicly frequented place in Kentucky, the use of the drinking cup in common. There must also be posted in a conspicuous place, by the individual or corporation, by the drinking water contained in any of the places mentioned in foregoing pragraph, a warning cardboard, with the above printed thereon in large letters, so they can be easily read. Any person or corporation violating the provisions of this act, shall, upon conviction, be fined in any sum not less than one dollar, and not more than ten dollars, and each day's violation of any of the provisions of this act shall be considered a separate offense, punishable by fine in the amount named above.

§ 2. All laws inconsistent with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Akin	John W. Holland	J. R. Paxton
P. L. Atherton	James R. Howell	William A. Perry
J. M. Bean	W. E. King	W. A. Price
Eli Berry	Chas. H. Knight	Stanley F. Reed
E. Bishop	Wm. J. Kuh	S. L. Robertson
Sidney G. Clay	James A. Leach	Adam Spahn
Sidney J. Collins	B. J. Matthews	John G. Stoll
F. B. Douglas	Charles D. McCrea	C. B. Thompson
G. L. Drury	W. N. McCubbin	J. H. Williams
J. H. Elder	Ben F. Niles	B. S. Wilson
John M. Farra	L. B. Owen	Charles Yancy
John F. Fryer	Luther C. Owings	Edward L. Young
Allie T. Gaines	A. W. Palmer	—40
L. B. Herrington	W. F. Parker	

Those who voted in the negative were:

William Ahl	S. Walton Forgy	Harry J. Meyers
Eugene G. Asher	D. Clarence Gray	S. F. Middleton
A. V. Bertram	T. J. Gregory	R. C. McClure
Thos. M. Bertram	A. B. Hatton	C. B. Nichols
H. C. Blades	A. B. Holland	John A. Polin
Hiram Brown	W. J. Jackson	W. A. Shawler
Wm. L. Bowling	Green R. Keller	W. Scott Smith
C. E. Carroll	John G. Kelley	E. B. Thompson
Henry Chunn	M. C. Kirk	Yeaman Watkins
Elkanah Dickey	J. Albert Leach	E. B. Wiley
Ben E. Egleston	F. A. Lochry	—34
Eli Farmer	Hugh Mahin	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 230. An act to provide for the enforced attendance of children in the common schools and the common graded schools of this Commonwealth.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every parent, guardian or other person residing within the boundary of the county school district law, and having the custody, control or supervision of any child, or children between the ages of seven and twelve years, in clusive, shall cause such child or children to be enrolled in and to attend some public or private day or parochial school regularly for the full common school or graded common school term in each year in the common school district of the county in which such child or children may live in this Commonwealth. Provided, however, that this act shall not apply in any case where the child has been or is being taught at home in such branches as are taught in the public schools for a like period of time and subject to the same examination as other pupils in the district in which such child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption the County Court may order such child to submit to an examination to be given by the County Superintendent of schools. Provided, further, that this section shall not apply to any child who is excused by the Conty Board of Education, upon its being shown to the satisfaction of the County Superintendent of schools that such child is not in proper physical or mental condition to attend school.

§ 2. Any parent, guardian, or other person having the custody, control or supervision of any child embraced within the provision of this act, who with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of misdemeanor, and upon conviction thereof may be fined in any sum not exceeding fifty dollars or by imprisonment in the county jail not exceeding thirty days, or both so fined and imprisoned at the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may thereupon be discharged from liability, and such child shall be proceeded against as a delinquent child under the statute in such cases made and provided.

§ 3. Any parent, guardian or other person failing to comply with the provisions of this act shall forfeit to the use of the schools within the district in which such child lives a sum not less than five dollars ($5.00) nor more than twenty dollars ($20.00) for the first offense nor less than ten dollars nor more than fifty dollars for the second and every subsequent offense, and cost of suit.

§ 4. It shall be the duty of the teachers to report promptly and regularly to the subdistrict trustes or other local school officers and to the County Board of Education through the county superintendent of schools, the names of all parents, guardians or other persons who fail to comply with the provisions of this act. It shall then be the duty of said subdistrict trustee or other local school officers and said

County Board of Education through the county superintendent of schools to give written notice to the parents, guardians or other persons having control or custody of such child that the attendance of such child is required, and if such parent, guardian or other person having control or supervision of such child does not comply immediately with the provisions of this act, then said subdistrict trustees or other local school officers, and said Board of Education shall proceed against such child as a delinquent child, and against such parents, guardians or other persons having the custody, control or supervision of such child for violation of this act for contributing to the delinquncy of such child.

§ 5. The County Courts of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act, and any fines or penalties may be recovered by rule or in any way in which a Court of Equity may enforce its orders or decrees.

§ 6. A passport, a duly attested transcript or the certificate of birth or baptism, a certified copy under oath of a record in the family Bible, or other religious record showing the date and place of birth of such child shall be produced as proof of age. In case such certificate or record as hereinbefore provided can not be secured, upon proof of such fact, the record of the age stated in the first enrollment to be found shall be considered as evidence thereof. If there be no school enrollment showing such fact, other evidence as to age of said child shall be considered.

All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robt. H. Akin	D. Clarence Gray	J. R. Paxton
P. L. Atherton	Elwood Hamilton	William A. Perry
J. M. Bean	V. D. Hammond	Marion F. Pogue
Eli Berry	L. B. Herrington	John A. Polin
E. Bishop	James R. Howell	S. L. Robertson
H. C. Blades	John G. Kelley	S. H. Rogers
Wallace Brown	James A. Leach	W. A. Shawler
C. W. Burton	J. Albert Leach	Adam Spahn
C. E. Carroll	F. A. Lochry	John G. Stoll
George P. Chinn	Hugh Mahin	C. B. Thompson
Sidney G. Clay	B. J. Matthews	Louis B. Tieman
Sidney J. Collins	Harry J. Meyers	E. B. Wiley
Ben E. Egleston	S. F. Middleton	J. H. Williams
Eli Farmer	C. B. Nichols	B. S. Wilson
John M. Farra	Ben F. Niles	Charles Yancy
John F. Fryer	Luther C. Owings	Edward L. Young
Allie T. Gaines	A. W. Palmer	—50

Those who voted in the negative were:

A. V. Bertram	W. J. Jackson	L. B. Owen
Thos. M. Bertram	M. C. Kirk	Robt. H. Scott
J. H. Elder	R. C. McClure	W. Scott Smith
T. J. Gregory	W. N. McCubbin	D. B. Thurman
		—12

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 312. An act to amend, extend and re-enact Section 2 of an act entitled, "An act to provide for the holding of Circuit Courts and the trial of cases therein, when from any cause the judge shall fail to attend, or if in attendance, cannot properly preside," being the act known as chapter 3 of the acts of 1910 of the General Assembly.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act entitled, "An act to provide for holding Circuit Courts and the trial of cases therein, when from any cause the judge shall fail to attend, or if in attendance, cannot properly preside," be, and the same is hereby amended, extended and re-enacted, so that said section 2 of said act, when so amended, extended and re-enacted shall read as follows:

"Section 2. In the absence of the regular judge of any Circuit Court in this Commonwealth, except the courts of continuous session as mentioned in the first section hereof, or when he cannot preside in any particular case or cases, if the parties cannot agree upon an attorney who is present to act as judge, and who shall receive no compensation for his services, the clerk shall at once notify the Governor, who, in turn, shall immediately notify one of the Circuit Judges mentioned above who is not then engaged in holding a regular or special term of court in his district, and it shall be the duty of said Circuit Judge so notified by the Governor, to hold the court, or try the case, and the judge so notified by

the Governor shall have all the powers of a regular judge of said court.

"Section 2a. When from any cause the judge of any Circuit Court of continuous session being in attendance cannot properly preside in an action, proceeding or prosecution pending in said court, or if either party shall file with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to hear and try the case, proceeding or application; and if any of the parties to said action, proceeding or prosecution are non-resident defendants, who have not entered their appearance, nor have been summoned, or are infant defandants, the attorney appointed to defend for such non-residents, or the guardian ad litem for such infants, may agree with the other parties to such action, proceeding, or prosecution, upon a lawyer having all the qualifications of a Circuit Judge to try such action, proceeding or prosecution. If the parties cannot agree upon an attorney to act as judge, as above stated, the clerk of the court shall at once notify the Governor of the State who shall appoint as Circuit Judge an attorney having the qualifications of a Circuit Judge to try the case, and the Judge so appointed shall have all the powers of the regular judge, and receive the compensation hereinafter provided therefor.

"Section 2b. When from any cause the judge of any Circuit Court of continuous session fails to attend, or is unable for any reason to hold the court, the clerk of said court shall at once notify the Governor of the State, who shall appoint as Circuit Judge an attorney having the qualifications of a Circuit Judge to hold the court during the time when the regu-

lar judge shall fail to attend, or shall be, as above stated, unable to hold said court, and the judge so appointed shall hold said court, and shall have all the powers of a regular judge, and receive for his services the compensation herein provided.

"Section 2c. Any special judge appointed under Section 2a or Section 2b hereof, shall be paid for his services eight ($8.00) dollars per day, and ten cents (10c) per mile in going to and returning from the court; but a special judge shall not be paid for any services as such unless he is engaged at least one day, nor unless the period of his services shall be certified by the regular judge from his own knowledge, or proof heard in open court.

"Section 2d. Every special judge before entering on the discharge of his duties must, in addition to the oath prescribed by the Constitution, take an oath as follows:

" 'I, A. B., do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as judge, according to the best of my abilities.'

"Section 2e. The commission of judges, the selection of special judges, the reason of such selection, and the fact that the requistite oaths have been taken, must be entered on the order book of the court."

§ 2. In view of the necessity for speedily providing means for the trial of causes in which the regluar judge of such court is unable to sit, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

§ 3. All acts and parts of act in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	John M. Farra	A. W. Palmer
Robt. H. Akin	John F. Fryer	W. F. Parker
Eugene G. Asher	T. J. Gregory	J. R. Paxton
P. L. Atherton	Joe Hall	Wm. A. Perry
J. M. Bean	Elwood Hamilton	W. V. Perry
A. V. Bertram	L. B. Herrington	Marion F. Pogue
E. Bishop	A. B. Holland	John A. Polin
Hiram Brown	John W. Holland	Stanley F. Reed
Wallace Brown	James R. Howell	S. L. Robertson
Wm. L. Bowling	R. Dillard Hunter	W. A. Shawler
C. W. Burton	Green R. Keller	Adam Spahn
C. E. Carroll	John G. Kelley	John G. Stoll
George P. Chinn	Wm. J. Kuh	C. B. Thompson
Henry Chunn	James A. Leach	E. B. Thompson
Sidney G. Clay	F. A. Lochry	D. B. Thurman
W. Frank Cole	B. J. Matthews	E. B. Wiley
Sidney J. Collins	Harry J. Meyers	J. H. Williams
Elkanah Dickey	S. F. Middleton	B. S. Wilson
F. B. Douglas	R. C. McClure	Charles Yancy
Ben E. Egleston	Chas. D. McCrea	Edward L. Young
J. H. Elder	Luther C. Owings	—62

Those who voted in the negative were—

W. J. Jackson	W. N. McCubbin	W. A. Price
J. Albert Leach	L. B. Owen	Yeaman Watkins

—6

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of he Day a bill entitled,

S. B. 227. An act to require all railroad companies to stop all passenger trains at any station where may be located a State penitentiary.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter any corporation, company, or individual operating a railroad in the State of Kentucky shall cause to stop all trains carrying passengers over such road at every point or station on said road where there is located, or may be hereafter located, any State Penitentiary. And all such corporations, companies, or individuals shall immediately after this law goes into effect, publish its schedule, setting out for the benefit of the public all changes required by the operation of this act. No such corporation, company or individual shall, in carrying out the provisions of this law curtail the service it may be now rendering any other point or station within any county within which may be located such public institution of the Commonwealth, but it shall continue to render the same service in such counties as it may be now rendering.

Any corporation, company or individual violating any of the provisions of this act shall upon conviction, be fined not less than two hundred dollars nor more than five hundred dollars for each offense.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	D. Clarence Gray	W. F. Parker
Robt. H. Akin	Elwood Hamilton	William A. Perry
J. M. Bean	V. D. Hammond	W. V. Perry
Thos. M. Bertram	L. B. Herrington	Marion F. Pogue
E. Bishop	A. B. Holland	Stanley F. Reed
Wallace Brown	John W. Holland	S. L. Robertson
Wm. L. Bowling	R. Dillard Hunter	Robt. H. Scott
C. W. Burton	W. J. Jackson	W. A. Shawler
C. E. Carroll	William J. Kuh	W. Scott Smith
George P. Chinn	James A. Leach	Adam Spahn
Henry Chunn	F. A. Lochry	C. B. Thompson
Sidney G. Clay	B. J. Matthews	Louis B. Tieman
Sidney J. Collins	Harry J. Meyers	E. B. Wiley
Elkanah Dickey	S. F. Middleton	J. H. Williams
F. B. Douglas	Chas. D. McCrea	B. S. Wilson
J. H. Elder	C. B. Nichols	Charles Yancy
John M. Farra	Ben F. Niles	Edward L. Young
John F. Fryer	L. B. Owen	—56
Allie T. Gaines	Luther C. Owings	

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 138. An act entitled an act to authorize the investigation and exhumation of any body whose death resulted from suspected poisoning or other illegal cause unknown, and the employment of competent medical assistance in determining the same.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it is hereby made the duty of any coroner, County Judge, or justice of the peace, upon the receipt of an affidavit from any person or persons stating that they believe and have reasonable grounds to believe that any person who is dead and buried, died from poisoning, or other illegal cause unknown, to have the body of said dead person exhumed, and have the proper chemical or other examination made of said body in order to determine the cause of death.

When, in the opinion of the officer holding the inquest, it shall be necessary to have a post mortem examination of the body of said dead person made during said inquest, he shall employ a competent surgeon or physician for that purpose, and if said officer suspects poisoning he shall employ a competent chemist to analyze the body, or any part thereof.

It shall be the duty of said officer and his employees, immediately after said inquest procedings have been held and concluded, to make out, sign and file, in the office of the

County Court Clerk of the county in which such investigation was begun, a written and sworn report embracing concisely and fully their findings. The surgeon or physician so employed and the chemist shall each be allowed for their services a reasonable fee, to be fixed by the Fiscal Court and paid out of the county levy, and upon their failure to file their report as herein specified, they shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not less than one hundred nor more than five hundred dollars, and the officers so directing and conducting said investigation, or inquest, shall, in like manner, receive per diem, as compensation for his services, the maximum fee prescribed by law for services required of and rendered by him by virtue of the office he holds, and should he fail to file his report as herein specified, he shall be subject, upon conviction, to the maximum penalties prescribed by law for failure to perform the duties of his office.

All acts and parts of acts in conflict herewith are hereby repealed.

Whereas, there is a great prevalancy of poisoning and other illegal taking of human life, there is, therefore, an emergency declared to exist, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	T. J. Gregory	A. W. Palmer
Robt. H. Akin	Elwood Hamilton	J. R. Paxton
Eugene G. Asher	A. B. Holland	Wm. A. Perry
P. L. Atherton	James R. Howell	John A. Polin
A. V. Bertram	R. Dillard Hunter	W. A. Price
H. C. Blades	Green R. Keller	Stanley F. Reed
Wallace Brown	John G. Kelley	S. L. Robertson
Wm. L. Bowling	M. C. Kirk	S. H. Rogers
C. E. Carroll	Chas. H. Knight	Robt. H. Scott
George P. Chinn	William J. Kuh	W. A. Shawler
Sidney G. Clay	James A. Leach	Adam Spahn
Sidney J. Collins	F. A. Lochry	C. B. Thompson
Elkanah Dickey	B. J. Matthews	Louis B. Tieman
G. L. Drury	Harry J. Meyers	Yeaman Watkins
Ben E. Egleston	Charles D. McCrea	E. B. Wiley
J. H. Elder	W. N. McCubbin	J. H. Williams
Eli Farmer	C. B. Nichols	Charles Yancy
John M. Farra	L. B. Owen	Edward L. Young
D. Clarence Gray	Luther C. Owings	—56

Those who voted in the negative were—

Henry Chunn	W. J. Jackson	W. Scott Smith

—3

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 48. An act to amend and re-enact Sections 2241, and 2242, Kentucky Statutes.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2241, Kentucky Statutes, be and the same is hereby amended by inserting therein at the end of the twelfth line thereof and immediately after the words "permitted in said room with them," the following words:

"Except that in counties containing a city of the first class the Commissioners may select a clerk to aid them in the performance of their duty, who shall be sworn in open court to faithfully discharge his duties, and who shall be in attendance on the Commissioners when in session; and such counties by their Board of Magistrates or Fiscal Court are hereby authorized and empowered to allow and pay to the clerk of the Jury Commissioners, herein provided for, such compensation as they may deem just and proper, not exceeding, however, the sum of one hundred dollars in any one year."

So that said Section 2241 when amended shall read as follows, viz.:

"2241. COMMISSIONER TO SELECT—MANNER OF SELECTION—NUMBER TO BE SELECTED—QUALIFICATION—JEFFERSON CIRCUIT COURT—DUTY OF CIRCUIT CLERK—PENALTY.—The Circuit Judge of each county shall at the first regular term of Circuit Court therein, after this act takes effect, and annually thereafter, appoint three intelligent and discreet housekeepers of the county over twenty-one years of age, resident in different portions of the county, and having no action in court requiring the intervention of a jury, as Jury Commissioners for one year, who shall be sworn in open court, to faithfully discharge their duty. They shall hold their meetings in some room designated by the judge; and, while engaged in making the lists of juries and selecting the names, writing and depositing or drawing them from the

drum or wheel case, no person shall be permitted in said room with them except that in counties containing a city of the first class the commissioners may select a clerk to aid them in the performance of their duty, who shall be sworn in open court to faithfully discharge his duties, and who shall be in attendance on the Commissioners in session; and such counties by their Board of Magistrates or Fiscal Court are hereby authorized and empowered to allow and pay to the clerk of the Jury Commissioners, herein provided for, such compensation as they may deem just and proper, not exceeding, however, the sum of one hundred dollars in any one year.

They shall take the last returned assessor's book for the county, and from it shall carefully select from the intelligent sober, discreet and impartial citizens, resident housekeepers in differnt portions of the county, over twenty-one years of age, the following number of names of such persons, to-wit:

In counties having a population of ten thousand or less not less than one hundred and twenty-five nor more than one hundred and fifty; in counties having a population of more than ten thousand and not exceeding twenty thousand not less than one hundred and fifty, nor more than three hundred; in counties having a population exceeding twenty thousand and not exceeding fifty thousand, not less than five hundred, nor more than six hundred; in counties having a population exceeding fifty thousand and not exceeding one hundred thousand, one thousand, and in counties having a population exceeding one hundred thousand, and its Circuit Court divided into branches, two thousand for each division of the court requiring the services of a jury.

In counties having Circuit Courts of continuous sessions, wherein part of the sessions are authorized to be held in a city of the second class not the county seat of the county the court shall have a separate drum or wheel case for use at such county seat, and commissioners shall be appointed, as herein provided, who shall select not less than one hundred and twenty-five nor more than one hundred and fifty of such names.

They shall write each name, and in counties having cities of the first, second or third class the address of the person so selected, in plain handwriting, on a small slip of paper, each slip being as near the same size and appearance as practicable; and each slip with the name, and when provided herein, the address, written thereon, shall be by them enclosed in a small case made of paper or other material and deposited, unsealed, in the revolving drum or wheel case hereinafter provided for; but upon depositing any of said slips in said drum or wheel case, they shall carefully examine its contents and remove therefrom and destroy any slips found therein. When said slips have been deposited in said drum or wheel case, it shall be locked and revolved, or so shaken as to thoroughly mix said slips; then it shall be unlocked and they shall draw therefrom a sufficient number of names to procure twenty-four persons, qualified as hereinafter provided to act as grand jurors; and if, in doing this, the name of any persons not qualified to act as grand juror is drawn, the same shall be returned to the drum or wheel case. Said names shall be drawn one by one, and only the names of those qualified shall be recorded on paper until the twenty-four are secured; and said lists shall be certified, signed and enclosed by them in an envelope made of good paper, and it shall be sealed, and their names written across the seal thereof, and directed to the judge of the Circuit Court, adding the words, "criminal division," when said Circuit Court is divided into branches, and endorsed, "A list of the

grand jury for the .....Circuit Court, to be held in the month of .....in the year .....," adding the words, "criminal division," after the words, "Circuit Court," when there are branches of the Circuit Court from which list the next grand jury for said county shall be impaneled as hereinafter directed. After completing the list of grand jurors, they shall lock said drum or wheel case and revolve or shake it so as to thoroughly mix the slips remaining therein, and then unlock the same and draw therefrom, one by one, the names of not less than thirty nor more than thirty-six persons, as the judge of the court may direct, and record the same upon paper as drawn, which, in like manner, shall be certified, signed and inclosed by them in an envelope made of good paper, and it shall be sealed, and their names written across the seal thereof, and directed to the judge of the Circuit Court, adding the name of the division of said court for which said list of jurors is selected, when such court is divided into branches, and endorsed: "A list of the petit jury for the ..... Circuit Court, to be held in the month of ..... year .....," adding the name of the division court for which said jury is selected, in cases when the Circuit Court is divided into branches from which list the next petit jury for said county in said court shall be selected and impaneled as hereinafter directed. The slips of paper upon which are written the names of persons placed by said commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on said lists. Circuit Courts divided into two divisions shall have two commissioners for each division requiring the services of a jury therein, and Circuit Courts divided into more than two divisions shall have one commissioner for each division requiring the services of a jury therein, to be appointed and qualified by the judge thereof.

Circuits Courts having two divisions shall have but one drum or wheelcase and Circuit Courts having more than two divisions shall have a separate drum or wheelcase for each division, which said Commissioners shall use in making up the juries and selecting jurors in the manner above provided for said divisions respectively; but no grand jury list shall be made or grand jurors drawn by said Commissioners, or any one else, for any other than the criminal division of a Circuit Court having branches.

When the Commissioners have completed the list of jurors they shall lock the drum or wheel case containing the remaining names and deliver it and the key thereto, said sealed list or lists, and all slip cases not used, to the judge of the Circuit Court for which said jurors are selected, who shall deliver them, except the key, to the Circuit Court Clerk in open court and at the time administer to him and his deputies the following oath, to-wit: "You do selemnly swear that you will not open this drum or wheel case, except in open court, under the direction of the judge of this court, and that you will not open the envelopes containing the lists of petit (or grand and petit jurors, as the case may be), for the session of this court to be held in the month of ..... in the year of ....., until the time fixed by law; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit for trial in this court, at its next term, unless by leave of court." Should the clerk subsequently, in vacation, appoint a deputy he shall administer to him a like oath; and if the clerk or any other person, except as herein provided, shall open or unlock or break into, or in any way wilfully injure the wheel or drum, or lock thereof, or, except as herein provided, shall wilfully open or break the seal of the envelope, containing the jury list or lists, the person so offending shall be guilty of felony, and punishment by confinement in the penitentiary for not less than one nor more than five years.

§ 2. That Section 2242, Kentucky Statutes, be and the same is hereby amended by inserting therein after the word "State" in the eighth line thereof the following words:

"Provided, however, that in counties containing a city of the first class the Board of Magistrates or the Fiscal Court of any such county may supplement the compensation of the commissioners as paid by the State by allowing and paying to each of said Commissioners not exceeding three dollars per day for the time actually engaged, the whole compensation received by any commissioner not to exceed the sum of fifty dollars in any one year."

So that said section 2242 as amended shall read as follows, viz.:

2242. TIME COMMISSIONERS MAY REMAIN IN SESSION—COMPENSATION—RECONVENING—NOT TO BE APPOINTED SUCCEEDING YEAR.—The Commissioners shall remain in session not longer than five days, except that in counties having a population of over fifty thousand, they may remain in session ten days, and shall receive for his services two dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by the State Treasurer upon the voucher of the Auditor of State. Provided, however, that in counties containing a city of the first class the Board of Magistrates or the Fiscal Court of any such county may supplement the compensation of the Commissioners as paid by the State by allowing and paying to each of said Commissioners not exceeding three dollars per day for the time actually engaged, the whole compensation received by any Commissioner not to exceed the sum of fifty dollars in any one year. If, for any cause, either of the persons selected as a Commissioner cannot serve, or, having commenced, cannot complete his labors, the judge appointing him may appoint another person of like qualifications in his

place. If, at any time, it becomes apparent to the judge of any court that the names in the drum wheel case for said court will be exhausted before the next annual selection of Commissioners, the judge, by an order entered of record, shall reconvene the Commissioners, who shall select and place in said drum or wheel case, as hereinbefore provided, the number of names of qualified grand and petit jurors stated in the order of the judge reconvening them, and the judge may, if he deem it necessary, require by an order of court the attendance of one of said Commissioners at the time that the judge shall make up the lists of juries for his court, as hereinafter provided. Neither of them shall be appointed for the next year.

§ 3. As the Commissioners must meet and act before this amendment can become effective in due course an emergency is hereby declared to exist and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

William Ahl	P. L. Atherton	Hiram Brown
Robt. H. Akin	George Baker	Wallace Brown
Eugene G. Asher	Thos. M. Bertram	C. W. Burton

C. E. Carroll	W. J. Jackson	Luther C. Owings
Henry Chunn	Green R. Keller	A. W. Palmer
Sidney J. Collins	John G. Kelley	J. R. Paxton
Elkanah Dickey	W. E. King	Wm. A. Perry
G. L. Drury	M. C. Kirk	S. L. Robertson
J. H. Elder	Chas. H. Knight	S. H. Rogers
Eli Farmer	William J. Kuh	Robt. H. Scott
S. Walton Forgy	J. Albert Leach	W. Scott Smith
John F. Fryer	F. A. Lochry	Adam Spahn
D. Clarence Gray	B. J. Matthews	John G. Stoll
T. J. Gregory	S. F. Middleton	Louis B. Tieman
Elwood Hamilton	Chas. D. McCrea	Yeaman Watkins
L. B. Herrington	C. B. Nichols	E. B. Wiley
A. B. Holland	Ben F. Niles	Chas. Yancy
R. Dillard Hunter	L. B. Owen	—54

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 237. An act to amend Section 330 of the Kentucky Statutes.

Said bill reads as follows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 330 of the Kentucky Statutes be amended by adding after the last word thereof the following:

"One-half of all fines imposed and collected under the provisions of this act shall be paid to any regularly in-

corporated society for the prevention of cruelty to animals, bringing suit and prosecuting the charge." So that said section when amended will read as follows:

Section 330. Powers and Duties of Peace Officers—Penalty for Interference—Fines to Whom Paid. The police officer and constable must, or any agent or officer of an incorporated society for the prevention of cruelty to children or animals or charity organization may, upon proper affidavit and warrant, arrest and bring before the court or magistrate having jurisdiction, any person offending against any of the provisions of this act, or any minor coming within any of the descriptions of children mentioned in this act. Such police officer, constable or agent may interfere to prevent the perpetration in his presence of any act forbidden by this act. Any person who obstructs or interferes with any officer or agent of such society or organization in the exercise of his authority under this act, is guilty of a misdemeanor, and shall be fined not more than twenty dollars, or be confined in the county jail or workhouse, in counties having a workhouse, not more than ninety days, or both so fined and confined within the discretion of the court. All fines, penalties and forfeitures imposed or collected for a violation of the provisions of this act, or of any act relating to, or affecting children, now in force or hereafter passed, must be paid on demand to the incorporated society for the prevention of cruelty or charitable organization, in every case where the prosecution shall be instituted or conducted by such a society or organization, the same to be used only for expenses incurred in prosecutions for violations of this act. One-half of all fines imposed and collected under the provisions of this act shall be paid to any regularly incorporated society for the prevention of cruelty to animals, bringing suit and prosecuting the charge.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

P. L. Atherton	Eli Farmer	B. J. Matthews
George Baker	John M. Farra	Harry J. Meyers
J. M. Bean	S. Walton Forgy	Charles D. McCrea
Thos. M. Bertram	John F. Fryer	C. B. Nichols
E. Bishop	Allie T. Gaines	Ben F. Niles
H. C. Blades	Elwood Hamilton	A. W. Palmer
Hiram Brown	L. B. Herrington	J. R. Paxton
Wallace Brown	A. B. Holland	Wm. A. Perry
Wm. L. Bowling	John W. Holland	Stanley F. Reed
C. W. Burton	James R. Howell	S. L. Robertson
C. E. Carroll	R. Dillard Hunter	S. H. Rogers
George P. Chinn	W. J. Jackson	W. Scott Smith
Sidney G. Clay	John G. Kelley	Adam Spahn
W. Frank Cole	M. C. Kirk	C. B. Thompson
Sidney J. Collins	Chas. H. Knight	E. B. Thompson
Elkanah Dickey	William J. Kuh	E. B. Wiley
F. B. Douglas	James A. Leach	B. S. Wilson
G. L. Drury	F. A. Lochry	Chas. Yancy
Ben F. Egleston	Hugh Mahin	Edward L. Young

—57

Those who voted in the negative were—

William Ahl	J. H. Elder	John A. Polin
A. V. Bertram	D. Clarence Gray	—7
Henry Chunn	Joe Hall	

Resolved that the title thereof be as aforesaid.

Mr. A. B. Holland, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 511. An act to further regulate telephone companies.

H. B. 241. An act to repeal Section 68 of the Kentucky Statutes, relating to the dog law.

H. B. 34. An act relating to Fiscal Courts.

H. B. 220. An act to repeal Subsection 5, or Section 1403 of the Kentucky Statutes and to substitute therefor, which act relates to personal property, to set aside to widow or infants of an intestate.

H. B. 548. An act to enable cities of the first class to construct an extention to their systems for the disposition of sewerage.

H. B. 203. An act to regulate the sale of opium or its alkaloidal salts or their derivaties or of any admixture thereof.

H. B. 69. An act repealing the charter of the Adairville public school district.

H. B. 235. An act concerning tubercluosis and to provide for the creation of a commission to be known as the Kentucky Board of Tuberculosis Commission, to refine its powers

and make appropriations therefor, and to authorize and provide for the establishment of districts consisting of one or more than one county and to authorize and provide in such districts for the location, erection, organization and management of a district sanatorium for the care and treatment of tuberculosis and authorizing county and district taxation for the purpose of making an appropriation for the purchase of necessary land and construction and equipment of necessary buildings, and an annual appropriation for the maintenance of such sanatorium.

H. B. 453. An act to prohibit the use of the name or brand of a manufacturer on labels without authority.

H. B. 143. An act to provide for the use of district schoolhouses out of school hours.

H. B. 482. An act to amend an act entitled, "An act to amend an act entitled an act to provide for the establishment and maintenance in counties which contain cities of the first class a hospital for the treatment of persons afflicted with tuberculosis.

H. B. 386. An act to repeal Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of an act entitled "An act to amend an act for the government of cities of the first class approved July 1, 1893, for the better government and administration and disposition and discipline of the fire department and to create and perpetuate a pension fund for disabled firemen, their widows and children, dependent fathers and mothers.

H. B. 385. An act to repeal an act providing for the creation, control and disposition of a fund to be used in

pensioning under certain conditions policemen and the families of deceased policemen in cities of the first class, approved March 3, 1904, and to provide for the appointment of trustees and the raising or creating the management and disbursement of a fund to be employed in pensioning under conditions, providing policemen and the families of deceased policemen in cities of the first class.

H. B. 48. An act for the commutation of sentence for prisoners confined in jails in cities of the first class.

S. B. 60. An act to amend an act entitled "An act for the benefit of the Kentucky Home Society for Colored Children," approved March 15, 1910.

S. B. 77. An act to amend Section 753 of the Civil Code of Practice.

S. B. 105. An act to amend Section 2557a, of the Kentucky Statutes, relating to the sale of intoxicating liquors.

S. B. 74. An act to appropriate money to erect and equip a filter and appurtenances therto for the Eddyville penitentiary, to construct a concrete arch bridge across Lick Creek for the Eddyville Penitentiary, and to finish the tuberculosis hospital for the Eddyville penitentiary.

S. B. 88. An act to regulate the employment of females in order to safeguard their health.

S. B. 101. An act to authorize and to add one additional Judge to the Circuit Court for the Thirtieth Circuit Court District.

S. B. 246. An act to amend Sections 1 and 4 of Article 17 of an act of the General Assembly of Kentucky approved March 15, 1906 entitled "An act relating to Reveune and Taxation."

S. B. 194. An act to further regulate the assessment of fire insurance companies.

S. B. 28. An act to amend an act entitled "An act to amend Sections 124 and 125 of an act entitled 'An act for the government of cities of the first class,'" approved July 1, 1893, approved March 21, 1902.

S. B. 166. An act relating to the drainage of lands, the establishment and construction of public levees, ditches and drains, and the straightening, widening, deepening or otherwise improving public levees, ditches and drains, creeks or non-navigable streams, prescribing the method of proceedure, the assessment and collection and cost and expense thereof, creating and incorporating boards of drainage commissioners, prescribing the duties and providing for the payment to officers and employees having duties to perform thereunder.

S. B. 295. An act for the benefit of the West Kentucky Industrial College.

S. B. 56. An act to provide for the inspection of bulls, cows and calves held and owned within this State for the testing of same, for the destruction of same that have tuberculosis, and prescribe a penalty for using such animals for dairy purposes.

S. B. 308. An act to amend Section 217 and Subsection 8 of 217a of Article 1 and Section 272 of Article 3, Chapter

16, of the Kentucky Statutes, Carroll's 1909 edition, said chapter being entitled therein "Charitable Institutions."

S. B. 210. An act to repeal an act to establish a common school for the benefit of colored people of Catlettsburg and vicinity.

S. B. 264. An act providing for the interchange and transmission of messages between telephone companies.

S. B. 87. An act to amend the charters of cities of the third class.

S. B. 356. An act for the benefit of the Western Kentucky State Normal School and authorizing the Board of Regents for Normal School district No. 2, to hold the title of certain real estate, sell and convey the same and to borrow money and mortgage said real estate to secure such indebtedness.

S. B. 192. An act to authorize the auditing and provide for the payment of the deficit occasioned by the House of Reform, to prohibit the incurrence of debt by said institution in excess of appropriation for its use and maintenance, to provide a penalty therefor.

S. B. 287. An act to make an appropriation for securing the birth place of Jefferson Davis and erecting thereon a suitable memorial to his memory.

S. B. 359. An act providing for an annual tax on each $100 of value of the shares of stock in all life insurance companies chartered by and doing business in the State of Kentucky.

S. B. 17. An act amending an act relative to Revenue and Taxation, approved March 25, 1906.

S. B. 169. An act to amend Section 1 and Section 7 of an act entitled "An act creating and regulating the office of County Treasurer, session acts 1891, 2 and 3, which become a law February 27, 1893, and the amendment to said act which was approved February 27, 1893, and the amendments to said act which became a law March 26, 1904.

S. B. 312. An act to amend, extend and re-enact Section 2 of an act entitled "An act to provide for holding Circuit Courts and the trial of cases therein" when for any cause the judge shall fail to attend, or if in attendance, cannot properly preside, being the act known as Chapter 3 of the acts of 1910 of the General Assembly.

S. B. 260. An act prohibiting the sale of intoxicating liquid within 400 feet of a Normal Schools and State Colleges.

S. B. 26. An act to establish a department of banking, providing for the appointment of a Commissioner and Examiners, and prescribing their duties and for the examination of all financial institutions organized and doing business under the laws of this Commonwealth.

S. B. 100. An act concerning circuit courts having seven judges.

S. B. 278. An act for the benefit of Mrs. L. E. Tandy.

S. B. 227. An act to require all railroad companies to stop all passengers trains at any station where may be located a State penitentiary.

S. B. 274. An act to amend and re-enact an act entitled "An act to amend an act entitled an act to amend an act en-

titled an act to assign the cities and towns of this Commonwealth to the classes to which they belong," approved March 16, 1910.

S. B. 127. An act to increase the compensation of the members of the General Assembly of the Commonwealth of Kentucky.

S. B. 254. An act for the relief of sub-school districts relating to old debts.

S. B. 136. An act to amend an act entitled "An act to further regulate the bureau of Agriculture, Labor and Statistics," approved March 17, 1902, and being Section 33a of the Kentucky Statutes.

S. B. 322. An act to provide for the repair of the old Capitol Square and the buildings thereon, and the use of same and appropriating money therefor.

S. B. 107. An act prohibiting the use of public drinking cups.

S. B. 230. An act to provide for the enforced attendance of children in the common schools and the graded common schools of this Commonwealth.

S. B. 201. An act ceding jurisdiction of the Commonwealth of Kentucky over certain lands to the United States of America upon the establishment of Mammoth Cave National Park.

S. B. 309. An act designating the method of selecting a person to act in the absence or disqualification of a County Judge.

S. B. 37. An act relating to cities of the fifth class and repealing Section 3643, Chapter 89, Kentucky Statutes, Carroll's edition.

S. B. 239. An act prohibiting the unlawful issuing, and selling, exchanging, using or giving away of any transfer ticket or written or printed instrument, giving or purporting to give the right of transfer of any street car or other public conveyance, and prescribing a penalty therefor.

S. B. 120. An act making it unlawful to purchase, procure or deliver spirituous, vinous or malt liquors in local option territory.

S. B. 300. An act to amend Section 965 of Subsection 1, of Article 2 of Chapter 35, Kentucky Statutes (Carroll's edition of 1909), so far as said section applies to the holding of circuit courts in the counties of Carroll and Gallatin in the fifteenth judicial district and so far as it applies to the holding of circuit courts in the counties of Owsley, Perry, Leslie and Letcher in the thirty-third judicial district, and to the holding of circuit courts in the counties of Lee, Estill, Breathitt and Wolfe in the twenty-third judicial district.

S. B. 355. An act to amend and re-enact Section 3942a and 3942b of the Kentucky Statutes, edition of 1909, relating to the duties and powers of the Commissioners of the Sinking Fund and the duties and powers of custodian of public buildings, and authorizing the Commissioners of the Sinking Fund to have improvements and repairs made to the Capitol building and grounds, and the power plant and the power house.

S. B. 138. An act entitled an act to authorize the investigation and exhumation of any body whose death re-

sulted from suspected poisoning or other illegal causes unknown, and the employment of competent medical assistants in determining the same.

H. Res. 20. Resolution for the benefit of S. J. Gish, of Central City, Kentucky, refunding to him the sum of $1,-143.40, collected from him the State of Kentucky as back taxes.

H. Res. 21. Resolution providing for furnishing official manuals.

H. Res. 23. Resolution for the benefit of the copyist of the House of Representatives.

H. Res. 27. Resolution authorizing William E. Riley as trustee in bankruptcy of the Globe Printing Company to institute suit against the Commonwealth for the recovery of money due the Globe Printing Company for books and printing done by the said company for the county of Beckham.

S. Res. 19. Resolution for the benefit of Mrs. Sallie M. Hickman, widow of G. W. Hickman, deceased.

S. Res. 29. Resolution for the payment of certain contingent of the Senate and House of Representatives.

S. Res. 30. Resolution providing for the payment of ministers of the city of Frankfort.

S. Res. 26. Resolution indorsing the actions of the members of Congress from Kentucky in their efforts to pass a bill to commemorate the memory of the North American Indians, and preserve the relics thereof.

H. Res. 24. Joint resolution providing for the appointment of a State Tax Commission, providing for the payment of necessary expenses thereof and appropriating money therefor.

H. B. 35. An act to amend Sections 909, 911 and 1632, Kentucky Statutes of 1909, compiled by the Hon. John D. Carroll.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

A message was received from the Governor announcing that he had approved and signed enrolled bills which orig-

inated in the House of Representatives of the following titles, namely:

H. B. 456. An act to provide for the appointment of Commissioners to the Panama-Pacific Exposition at San Francisco, California, and to provide for the payment of their expenses.

H. B. 65. An act creating the county of McCreary.

A message was received from the Governor announcing that under and by virtue of a bill entitled,

H. B. 456. An act to provide for the appointment of Commissioners to the Panama-Pacific Exposition at San Francisco, California, and to provide for the payment of their expenses,

He had named and appointed the Hon. Herman D. Newcomb, of the county of Jefferson, as one of the Commissioners to the Panama-Pacific Exposition at San Francisco, California.

Thereupon the Speaker, acting under and by virtue of the act aforesaid named and appointed on the part of the House the Hon. John W. Holland, of the county of Shelby, a member of this House, as one of the Commissioners to the Panama-Pacific Exposition at San Francisco, California.

Under and by virtue of a joint resolution which originated in the Senate entitled,

S. Res. 21. Resolution providing for the appointment of a committee to investigate the feasibilty of extending the

Street Railway in Frankfort to the Capitol grounds on the Shelby Street side,

The Speaker of the House named as members of said committee on the part of the House, Messrs. Eli Berry and J. R. Paxton.

(For Resolution see House Journal, February 28.)

Under and by virtue of a joint resolution which originated in the House of Representatives entitled,

H. Res. 24. Resolution providing for the appointment of a State Tax Commission, providing for the necessary expenses thereof and appropriating money therefor,

The Speaker of the House named as members of said Commission on the part of the House, Messrs. P. L. Atherton and Elwood Hamilton.

(For Resolution see House Journal, March 8.)

The Speaker appointed Messrs. Hamilton, Smith and J. W. Holland a committee to wait upon the Senate and to inform that body that the House had completed the business of this General Assembly and to ask the appointment of a like committee on the part of the Senate to act with them to wait upon the Governor, and to inform him that the General Assembly had completed the business before it and were now ready to adjourn sine die, and to ask if he had any further communication to make to them.

Said committee retired and after a time returned and reported that they had discharged their duty; that the Governor had informed them that he had no further communication to make to this General Assembly.

Mr. John W. Holland moved that this House do now adjourn sine die.

Said motion was seconded by Mr. Eli Berry.

Said motion was agreed to.

And thereupon at 11:45 p. m., the House adjourned without day.

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